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**WICHITA-SEDGWICK COUNTY**  
**METROPOLITAN AREA PLANNING COMMISSION AGENDA**

Thursday, October 1, 2015

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission will be held on **Thursday, October 1, 2015**, beginning at **1:30 PM** in the Planning Department Conference Room City Hall - 10<sup>th</sup> Floor, 455 N. Main Street, Wichita, Kansas. **If you have any questions regarding the meeting or items on this agenda, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at 316.268.4421.**

1. Approval of the prior MAPCS meeting minutes:

*Meeting Date:* August 20, 2015

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

**Items may be taken in one motion unless there are questions or comments.**

**SUBDIVISION CASE DETAILSSUBDIVISION CASE DETAILS**

- 2-1. **SUB2015-00011: Final Plat – SILVER SPRINGS 2ND ADDITION**, located on the north side of Central, east of Ridge.

*Committee Action:* APPROVED 4-0  
*Surveyor:* Baughman Company, P.A.  
*Acreage:* 34.29  
*Total Lots:* 1

3. **PUBLIC HEARING – VACATION ITEMS**

**ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM**

**Items may be taken in one motion unless there are questions or comments.**

*Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department – 10<sup>th</sup> Floor, City Hall, 455 N. Main Street, Wichita, Kansas*

- 3-1. **VAC2015-00035: City request to vacate contingent dedication of street, from the contingent dedication drainage, utility and street easement dedicated by separate instrument**, on property located on the southwest corner of the 47th Street South and the I-135 interchange.

*Committee Action:* APPROVED 1-0

- 3-2. **VAC2015-00036: City request to vacate a setback established by a vacation order**, on property generally located on the south side of Central Avenue and west of Waco Avenue.

*Committee Action:* APPROVED 1-0

- 3-3. **VAC2015-00037: City request to vacate a platted access easement and a platted utility easement**, on property generally located west of Maize Road on the north side of 29th Street North.

*Committee Action:* APPROVED 1-0

- 3-4. **VAC2015-00039: City request to vacate a platted easement**, on properties generally located northeast of 151st Street West and Maple Street, north of Country View Court, on the east side of Country View Lane.

*Committee Action:* APPROVED 1-0

- 3-5. **VAC2015-00040: City request to vacate a platted drainage & utility easement**, on property generally located on the north side of 13th Street North and west of Greenwich Road.

*Committee Action:* APPROVED 1-0

**PUBLIC HEARINGS****PUBLIC HEARINGS**

**ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM**

4. Case No.: ZON2015-00035  
Request: City zone change request from LC Limited Commercial to CBD Central Business District.  
General Location: Southeast of the corner of west Douglas Avenue and south Walnut Street.  
Presenting Planner: Dale Miller
5. Case No.: ZON2015-00036  
Request: City zone change request from SF-5 Single-family Residential to B Multi-family Residential.  
General Location: Southeast corner of 45th Street South and Meridian Avenue.  
Presenting Planner: Dale Miller
6. Case No.: ZON2015-00039  
Request: City zone change request from LC Limited Commercial to CBD Central Business District.  
General Location: West of Seneca Street, east of Dodge Avenue on the south side of Douglas Avenue.  
Presenting Planner: Bill Longnecker

**NON-PUBLIC HEARING ITEMS****NON-PUBLIC HEARING ITEMS**

7. Other Matters/Adjournment

**W. David Barber, Interim Secretary**  
**Wichita-Sedgwick County Metropolitan Area Planning Commission**

**WICHITA-SEDGWICK COUNTY**  
**METROPOLITAN AREA PLANNING COMMISSION**

**MINUTES**

**August 20, 2015**

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, August 20, 2015 at 1:32 p.m., in the Planning Department Conference Room, 10<sup>th</sup> floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Matt Goolsby; Chair; John Dailey; David Dennis; David Foster; Bill Johnson; Joe Johnson; John McKay Jr.; Debra Miller Stevens; Bill Ramsey; Lowell E. Richardson and Chuck Warren (Out @3:30 p.m.). Don Klausmeyer; M.S. Mitchell and Carol Neugent were absent. Staff members present were: W. David Barber, Interim Director; Dale Miller, Current Plans Manager; Bill Longnecker, Kathy Morgan, Senior Planner; Senior Planner; Neil Strahl, Senior Planner; Sharon Dickgrafe, Chief Deputy City Attorney; and Robert Parnacott, Assistant County Counselor.

1. Approval of the July 9, 2015 Planning Commission meeting minutes.

**MOTION:** To approve the July 9, 2015 Planning Commission minutes.

**DENNIS** moved, **WARREN** seconded the motion, and it carried (10-0-1).

**MCKAY** – Abstained.

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2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

- 2-1. **SUB2015-00003: Final Plat – MID-CONTINENT AIRPORT 8TH ADDITION,** located on the northeast corner of Tyler Road and K-42 Highway.

**NOTE:** This is a replat of the Skyway Industrial Park 2<sup>nd</sup> Addition and the Mid-Continent Airport 6<sup>th</sup> Addition in addition to unplatted property. The site has been approved for a zone change (ZON2014-00013) from Single-Family Residential (SF-5) to Limited Industrial (LI) for the eastern portion of the site.

**STAFF COMMENTS:**

- A. City of Wichita Public Works and Utilities Department advises that the applicant needs to extend water (distribution) to Lots 1, 2 and Reserve C and D if needed. Water is available to Reserve A and B. The applicant needs to extend sanitary sewer (laterals) to serve all lots. In-lieu-of-assessment fees are due for water transmission. In-lieu-of-assessment fees are due for sewer mains for Lot 2 and Reserves C and D.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the drainage plan.
- D. Traffic Engineering has approved the access controls. The plat proposes along Tyler Road “access control per City of Wichita Access Management Standards and the approval of the City Traffic Engineer”. The plat also proposes complete access control along K-42 Highway.

- E. In accordance with the Kansas Wetland Mapping Conventions under the Memorandum of Understanding between the United States Department of Agriculture - Natural Resources Conservation Service; United States Environmental Protection Agency; United States Army Corps of Engineers (USACE); and United States Fish and Wildlife Service, this site has been identified as one with potential wetland hydrology. The USACE should be contacted (316-322-8247) to have a wetland determination completed.
- F. Provisions shall be made for ownership and maintenance of the proposed reserves. A restrictive covenant shall be submitted regarding ownership and maintenance responsibilities. The restrictive covenant shall include language that the landowner will provide maintenance access ways to Reserves B, C and D upon any site development.
- G. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- H. City Environmental Health Division advises that only domestic sewage and domestic gray water may drain into a septic system. Industrial and commercial properties must have a sewage holding tank or discharge to the City's sanitary sewer system.
- I. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to [tricia.robello@sedgwick.gov](mailto:tricia.robello@sedgwick.gov) and [nstrahl@wichita.gov](mailto:nstrahl@wichita.gov).
- J. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- K. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer and unobstructed to allow for the conveyance of stormwater.
- L. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- M. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- N. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.

- O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- P. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense.
- S. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: [kwilson@wichita.gov](mailto:kwilson@wichita.gov)).

There were no public comments.

**MOTION:** To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

**B. JOHNSON** moved, **RAMSEY** seconded the motion, and it carried (11-0).

- 2-2. SUB2015-00022: Final Plat – ESTANCIA (formerly The Valencia Addition)**  
**ADDITION**, located on the east side of Ridge Road, between K-96 Highway and 37th Street North.

NOTE: This is a final portion of an overall preliminary plat approved for site (The Valencia Addition) and represents the first phase of residential development. The street layout and lot configuration is consistent with the preliminary plat. The site is currently zoned Single-Family Residential (SF-5) and Limited Commercial (LC). A zone change (ZON2015-00029) from Limited Commercial (LC) to Single-Family Residential (SF-5) has been approved by the MAPC for the southwest corner of the site.

**STAFF COMMENTS:**

- A. City of Wichita Public Works and Utilities Department requests the extension of sanitary sewer (laterals) to serve all lots. Water (distribution) needs extended to serve all lots. In-lieu-of-assessments are due for water transmission. In-lieu-of-assessments are due for sewer mains. A utility site plan has been requested. If front-loaded sewer is not proposed, then the backyard utility easements along the reserves need to be increased to 20 feet.

- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the final drainage plan.
- D. Traffic Engineering has approved the access controls. The plat proposes one street opening and an emergency access opening along 37<sup>th</sup> Street North.
- E. Since Reserves L and G includes a swimming pool, a site plan shall be submitted with the final plat for review by MAPD. The site plan shall include the information indicated in the Subdivision Regulations. The design for the pool must be submitted to Environmental Health Division for review prior to issuing a building permit for the pool.
- F. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a restrictive covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- G. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- H. City Fire Department has approved the street length of the southernmost Estancia Ct (over 1000 feet long) and the Estancia Ct to its north (about 985 feet long) subject to a modification approved by MAPC. The Subdivision Regulations limit urban cul-de-sacs to 800 feet in length. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- I. The cul-de-sac on Alameda Ct needs to be shown to meet the turning needs of the fire apparatus with the medians (Reserves I and J) proposed. The cul-de-sacs on the three Estancia Cts need to be shown to meet the turning needs of the fire apparatus with the medians (Reserves N, K and E) proposed.
- J. City Fire Department advises that all cul-de-sacs on dead ends greater than 150 feet need to meet the standard of 38-foot minimum paved radius.
- K. An off-site temporary turnaround for both Estancia Street and Alameda Circle at the north line of the plat needs to be established by separate instrument.
- L. The Applicant shall guarantee the paving of the proposed residential streets. The paving guarantee shall include the installation of the temporary turnarounds. The guarantee shall also provide for sidewalks on at least one side of all residential loop streets. A guarantee shall be submitted or a Sidewalk Certificate in lieu of a guarantee may be provided.

- M. The paving guarantee shall include the emergency access drive. The emergency access easement shall be established by separate instrument. The text of the instrument shall indicate the type of driving surface to be installed and address installation and maintenance. Standard gating and signing are required per City Fire Department standards.
- N. Since this plat proposes the platting of narrow street right-of-way with adjacent 15-foot street, drainage and utility easements, a restrictive covenant shall be submitted which calls out restrictions for lot-owner use of these easements. Retaining walls and change of grade shall be prohibited within these easements as well as fences, earth berms and mass plantings.
- O. Approval of this plat will require a waiver of the lot depth-to-width ratio of the Subdivision Regulations. Most of the lots proposed for residential use located east of Valencia Ave exceed the standard. The Subdivision Regulations state that the maximum depth of all residential lots shall not exceed 2.5 times the width. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- P. 86 lots proposed for residential use do not conform to the 50-foot lot width standard. A modification may be granted by MAPC. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- Q. The Applicant has platted a 15-foot building setback along the end of the cul-de-sacs which represents an adjustment of the Zoning Code standard of 25 feet for the Single-Family District SF-5. The Subdivision Regulations permit the setback provisions to be modified by the plat upon the approval of the Planning Commission.
- R. Sidewalk easements have been platted in Reserve P around the perimeter of the residential units. "Public sidewalks" shall be referenced in the plat's text.
- S. In accordance with the Kansas Wetland Mapping Conventions under the Memorandum of Understanding between the United States Department of Agriculture - Natural Resources Conservation Service; United States Environmental Protection Agency; United States Army Corps of Engineers (USACE); and United States Fish and Wildlife Service, this site has been identified as one with potential wetland hydrology. The USACE should be contacted (316-322-8247) to have a wetland determination completed.
- T. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within ten feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineer's office.
- U. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.

- V. The parking easements shall be referenced in the plattor's text specifying that the easements are granted for residential parking only and that no obstructions shall be constructed or placed within the easements.
- W. A revised preliminary plat shall be submitted.
- X. GIS advises that Alameda already exists, and a new street name is needed. "Serene Valley" already exists and "Valley" is a street type, therefore a new street name is needed for "Serene Valley". A new street name is needed for "Mira Bella" as one word road names are preferred and Bella has caused trouble in the past.
- Y. County Surveying advises that there are missing dimensions, easements not located and missing curve data in several places. Comments will be addressed when revised pdf's are submitted prior to preparing mylar.
- Z. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to [tricia.robello@sedgwick.gov](mailto:tricia.robello@sedgwick.gov) and [nstrahl@wichita.gov](mailto:nstrahl@wichita.gov).
- AA. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- BB. The plattor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer and unobstructed to allow for the conveyance of stormwater.
- CC. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- DD. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- EE. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- FF. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.

- GG. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- HH. Perimeter closure computations shall be submitted with the final plat tracing.
- II. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense
- JJ. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: [kwilson@wichita.gov](mailto:kwilson@wichita.gov)).

There were no public comments.

**MOTION:** To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

**B. JOHNSON** moved, **RAMSEY** seconded the motion, and it carried (10-0-1).  
**FOSTER** – Abstained.

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2-3. **SUB2015-00024: One-Step Final Plat – STEINKE 2ND ADDITION**, located west of 151st Street West, on the south side of 47th Street South.

**NOTE:** This site is located in the County within three miles of Wichita's boundary. It is in an area designated as "Wichita 2030 Urban Growth Area" by the Wichita-Sedgwick County Comprehensive Plan.

**STAFF COMMENTS:**

- A. Since sanitary sewer is unavailable to serve this property, the applicant shall contact Metropolitan Area Building and Construction Department to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval.
- B. City of Wichita Public Works and Utilities Department has requested a No Protest Agreement for future extension of sanitary sewer (mains and laterals).
- C. The site is currently located within the Sedgwick County Rural Water District No. 4. If service is available, feasible and the property is eligible for service, Metropolitan Area Building and Construction Department recommends connection. The applicant has indicated that the rural water district currently serves both lots.

- D. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- E. County Public Works has approved the applicant's drainage plan subject to a revision.
- F. The plat denotes one opening per lot at existing locations and one joint opening. County Public Works has approved one opening per lot at the existing locations. The Subdivision Committee has approved one opening per lot at the existing locations.
- G. County Surveying advises that all monuments along the plat boundary need to be shown as found or set.
- H. Sedgwick County Fire Department advises that the plat will need to comply with the Sedgwick County Service Drive Code.
- I. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to [tricia.robello@sedgwick.gov](mailto:tricia.robello@sedgwick.gov) and [nstrahl@wichita.gov](mailto:nstrahl@wichita.gov).
- J. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- K. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- L. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- M. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- N. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- O. Perimeter closure computations shall be submitted with the final plat tracing.

P. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.

Q. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: [kwilson@wichita.gov](mailto:kwilson@wichita.gov)).

There were no public comments.

**MOTION:** To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

**B. JOHNSON** moved, **RAMSEY** seconded the motion, and it carried (11-0).

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**2-4. SUB2015-00025: One-Step Final Plat – WEBB ROAD TOWNHOME ADDITION,**  
located south of 45th Street North on the west side of Webb Road.

**NOTE:** This is an unplatted site located within the City. The site has been approved for a zone change (ZON2015-00022) from Single-Family Residential (SF-5) to Two-Family Residential (TF-3).

**STAFF COMMENTS:**

- A. City of Wichita Public Works and Utilities Department requests the extension of water (distribution) to serve all lots, and the extension of sewer (laterals) to serve Lots 1-19, Block 2. In-lieu-of-assessment fees are due for water transmission. In-lieu-of-assessment fees are due for sewer mains. In-lieu-of-assessment fees are due for sewer (laterals) for Lots 20-30 Block 2 and Lots 1-7, Block 1.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the applicant's drainage plan.
- D. The plat's text shall include language that the utility easements are hereby granted as indicated for the construction and maintenance of all public utilities.
- E. The plat's text shall include language that the drainage and utility easement is hereby granted as indicated for drainage purposes and for the construction and maintenance of all public utilities.
- F. The plat's text shall include language that the street, sidewalk, drainage and utility easement is hereby granted as indicated for street, sidewalk and drainage purposes and for the construction and maintenance of all public utilities.
- G. Traffic Engineering has approved the access controls. The plat proposes complete access control along Webb Road except for one street opening.

- H. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings. A Driveway Closure Certificate in lieu of a guarantee may be provided.
- I. The proposed street shall be increased in width to 32 feet, the narrow residential street standard.
- J. The applicant shall guarantee the paving of the proposed interior street. For the narrow 32-foot street, this guarantee shall be for the 29-foot paving standard.
- K. City Fire Department advises the turnaround must meet the minimum 38-foot paved radius requirement.
- L. County Surveying advises that street control monuments will need to be set or found along Champions, Plumthicket, the south line of 44th Street North, and the west line of Webb Road.
- M. County Surveying advises 44th Street North should be labeled as "30' Street Dedication".
- N. County Surveying advises that it appears there is a blanket easement to Cities Service Gas (or KGS) along Webb Road, and most of the properties that have partial releases have an easement 75 feet from the Section line. Any portion of this easement impacting this site shall be denoted on the plat and shall be properly referenced. A recorded copy of any partial release or confinement of the easement shall be submitted.
- O. County Surveying would like to be contacted regarding the legal description and plat boundary.
- P. County Surveying requests submittal of title work and documents prior to final plat review.
- Q. The owner name and trustee name will need to be shown under the plattor's text.
- R. The notary for the owner will need to include trust name and trustee name on behalf of the trust.
- S. GIS has advised that Champions needs to be labeled as "Champions Cir". Plumthicket needs labeled as "Plumthicket St".
- T. The plattor's text shall reference "Lots, Blocks, Streets and Reserves".
- U. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a restrictive covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- V. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.

- W. Since this plat proposes the platting of narrow street right-of-way with adjacent 15-foot street, drainage and utility easements, a restrictive covenant shall be submitted which calls out restrictions for lot-owner use of these easements. Retaining walls and change of grade shall be prohibited within these easements as well as fences, earth berms and mass plantings.
- X. A bold line needs to be depicted for the boundaries of the plat. A bold line should be denoted for the south line of 44th and the west line of Webb. The vertical lines currently denoted at the street entrance (adjoining the 30.00' label) shall be deleted.
- Y. In accordance with the Kansas Wetland Mapping Conventions under the Memorandum of Understanding between the United States Department of Agriculture - Natural Resources Conservation Service; United States Environmental Protection Agency; United States Army Corps of Engineers (USACE); and United States Fish and Wildlife Service, this site has been identified as one with potential wetland hydrology. The USACE should be contacted (316-322-8247) to have a wetland determination completed.
- Z. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- AA. City Environmental Health Division advises that any wells installed on the properties for irrigation purposes will have to be properly permitted and inspected.
- BB. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to [tricia.robello@sedgwick.gov](mailto:tricia.robello@sedgwick.gov) and [nstrahl@wichita.gov](mailto:nstrahl@wichita.gov).
- CC. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- DD. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- EE. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- FF. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- GG. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.

- HH. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- II. Perimeter closure computations shall be submitted with the final plat tracing.
- JJ. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- KK. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: [kwilson@wichita.gov](mailto:kwilson@wichita.gov)).

There were no public comments.

**MOTION:** To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

**B. JOHNSON** moved, **RAMSEY** seconded the motion, and it carried (11-0).

- 2-5. **SUB2015-00026: Final Plat – ESTANCIA COMMERCIAL ADDITION**, located on the east side of Ridge Road, between 37th Street North and K-96 Highway.

**NOTE:** This is the final portion of an overall preliminary plat approved for site (The Valencia Addition, SUB2015-00022) and represents the first phase of commercial development. The street layout and lot configuration is consistent with the preliminary plat.

The site is currently zoned Single-Family Residential (SF-5) and Limited Commercial (LC). A zone change (ZON2015-00029) was approved by MAPC from Single-Family Residential (SF-5) and Limited Commercial (LC) to General Commercial (GC) and Limited Commercial (LC). A Community Unit Plan (CUP2015-00015, DP-337) was also approved.

**STAFF COMMENTS:**

- A. City of Wichita Public Works and Utilities Department requests the extension of sanitary sewer (laterals) to serve all lots. Water (distribution) needs extended to serve all lots. In-lieu-of-assessments are due for water transmission. In-lieu-of-assessments are due for sewer mains.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the final drainage plan is needed.

- D. Traffic Engineering has approved the access controls. The plat proposes two street openings along Ridge with other access openings per access management standards. The plat proposes one access opening along 37<sup>th</sup> Street North.
- E. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a restrictive covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- F. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- G. An off-site temporary turnaround for Village Circle needs to be established by separate instrument.
- H. The width of the commercial streets is less than the 70-foot required right-of-way. Traffic/City Engineering has approved the width if restricted to No Parking on both sides of the streets. A restrictive covenant shall be provided specifying the No Parking requirement.
- I. The Applicant shall guarantee the paving of the streets to the business street standard. The paving guarantee shall include the installation of a temporary turnaround at the terminus of Village Circle.
- J. As the plat consists of commercial lots abutting non-arterial streets, the Subdivision regulations require sidewalks along the interior street frontage. A guarantee shall be submitted or a Sidewalk Certificate in lieu of a guarantee may be provided.
- K. In accordance with the proposed CUP, a cross-lot circulation agreement is needed to assure internal vehicular movement between the lots.
- L. In accordance with the Kansas Wetland Mapping Conventions under the Memorandum of Understanding between the United States Department of Agriculture - Natural Resources Conservation Service; United States Environmental Protection Agency; United States Army Corps of Engineers (USACE); and United States Fish and Wildlife Service, this site has been identified as one with potential wetland hydrology. The USACE should be contacted (316-322-8247) to have a wetland determination completed.
- M. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within ten feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineer's office.
- N. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.

- O. A revised preliminary plat shall be submitted.
- P. County Surveying requests to be contacted regarding three corrections to the legal description.
- Q. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to [tricia.robello@sedgwick.gov](mailto:tricia.robello@sedgwick.gov) and [nstrahl@wichita.gov](mailto:nstrahl@wichita.gov).
- R. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- S. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- T. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- U. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- V. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- W. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- X. Perimeter closure computations shall be submitted with the final plat tracing.
- Y. Westar Energy has requested additional easements. Richard Aitken is the Area Construction Services Representative for this plat and he can be reached at 316-261-6734. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense.
- Z. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense

AA. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: [kwilson@wichita.gov](mailto:kwilson@wichita.gov)).

There were no public comments.

**MOTION:** To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

**B. JOHNSON** moved, **RAMSEY** seconded the motion, and it carried (10-0-1).  
**FOSTER** – Abstained.

3. **PUBLIC HEARING – VACATION ITEMS**

3-1. **VAC2015-00028: City request to vacate a portion of a platted setback and an easement dedicated by separate instrument on property.**

**OWNER/AGENT:** Paul & Eleanor Sade Trust (owner) Dillon Stores Inc. (applicant) PEC, c/o Charlie Brown (agent)

**LEGAL DESCRIPTION:** Generally described as the east 20 feet of the platted 100-foot setback running parallel to the west property line of Lot 4, Chadsworth Commercial 2<sup>nd</sup> Addition and a portion of the utility easement dedicated by separate instrument (Film 2881, Page 4832; see attached legal and exhibits) located in Lot 4, Chadsworth Commercial 2<sup>nd</sup> Addition, Wichita, Sedgwick County, Kansas

**LOCATION:** Generally located on the northeast corner 21st Street North and Maize Road (WCC #V)

**REASON FOR REQUEST:** Canopy for drive through lane of pharmacy

**CURRENT ZONING:** The site (CUP DP-204) and the abutting north and adjacent south properties are zoned LC Limited Commercial. The abutting east properties are zoned SF-5 Single-Family Residential. The adjacent west properties are zoned LC and GC General Commercial.

The applicant proposes to build a canopy for the drive through pharmacy, which encroaches into a platted setback and a utility easement dedicated by separate instrument. The applicant is requesting the vacation of the east 20 feet of the platted 100-foot setback running parallel to the west property line of Lot 4, Chadsworth Commercial 2<sup>nd</sup> Addition. The Limited Commercial (LC) zoned subject is part of Community Unit Plan CUP DP-204 overlay. The minimum street side yard or front yard setback for a CUP is 35 feet; the applicant's request leaves 80 feet of setback.

The applicant is also requesting the vacation of the east 5.52-ft (x) 23.84-ft – 31.11 long section of a 20-foot wide utility easement dedicated by separate instrument (Film 2881, Page 4832) as shown and described on the attached exhibit and legal description. There is a sewer line located within the described portion of the subject easement, which is located in Lot 4, Chadsworth Commercial 2<sup>nd</sup> Addition. The applicant's exhibit shows a proposed replacement easement. The Westar Construction Services Representative for the NW area can be contacted at 261-6734. The Chadsworth Commercial 2<sup>nd</sup> Addition was recorded with the Register of Deeds August 14, 1995.

Note: Previously VAC2011-00019 vacated a south portion of the utility easement dedicated by separate instrument located in Lot 5, Chadsworth Commercial 2<sup>nd</sup> Addition. The sewer line located in that portion of the easement was reverted into a private sewer line.

Note: The published MAPC public hearing meeting of August 6, 2015, for VAC2015-00028 was cancelled due to the lack of a quorum, the resulting being the consideration of VAC2015-00028 for the August 20, 2015, MAPC public hearing meeting.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portions of the platted setback and the utility easement dedicated by separate instrument.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time July 16, 2015, which was at least 20 days prior to this public hearing.
  2. That no private rights will be injured or endangered by vacating the described portions of the platted setback and the utility easement dedicated by separate instrument and that the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacate the east 20 feet of the platted 100-foot setback running parallel to the west property line of Lot 4, Chadsworth Commercial 2<sup>nd</sup> Addition. Show the new 80-foot setback on an adjusted CUP DP-204 and reference the vacation case, VAC2015-00028, on the adjusted CUP.
- (2) Provide all utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide approved project numbers to Planning prior to the case going to City Council for final action.
- (3) Provide to Planning any required easements dedicated by separate instrument with original signatures for public utilities for recording with the Vacation Order at the Sedgwick County Register of Deeds. This must be provided prior to the case going to City Council for final action.

- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds

### **SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the east 20 feet of the platted 100-foot setback running parallel to the west property line of Lot 4, Chadsworth Commercial 2<sup>nd</sup> Addition. Show the new 80-foot setback on an adjusted CUP DP-204 and reference the vacation case, VAC2015-00028, on the adjusted CUP.
- (2) Provide all utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide approved project numbers to Planning prior to the case going to City Council for final action.
- (3) Provide to Planning any required easements dedicated by separate instrument with original signatures for public utilities for recording with the Vacation Order at the Sedgwick County Register of Deeds. This must be provided prior to the case going to City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds

There were no public comments.

**MOTION:** To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

**WARREN** moved, **RAMSEY** seconded the motion, and it carried (11-0).

**3-2. VAC2015-00029: City request to vacate a drainage easement dedicated by separate instrument on property.**

**OWNER/AGENT:** Contrail Development LLC (owner) K.E. Miller Engineering P.A., c/o Kirk Miller (agent)

**LEGAL DESCRIPTION:** Generally described as vacating an east-west 20-foot drainage easement dedicated by separate instrument (Film 2093, Page 185) located on the common lot line of Lots 8 and 9, Block 2, Airport Industrial Park Addition, Wichita, Sedgwick County, Kansas.

**LOCATION:** Generally located south of Harry Street, west of Hoover Road, on the west side of Hoover Court (WCC #IV)

**REASON FOR REQUEST:** Expansion

**CURRENT ZONING:** The site and all abutting and adjacent properties are zoned LI Limited Industrial

The applicant propose to vacate the east-west 20-foot drainage easement dedicated by separate instrument located on the common lot line of Lots 8 and 9, Block 2, Airport Industrial Park Addition; Film 2093, Page 185. There is stormwater conduit and equipment located in the easement. The applicant proposes to re-locate the stormwater conduit and equipment located in the easement. The Westar Construction Services Representative for the SW Area is the contact for this item and can be contacted at 261-6734. The Airport Industrial Park Addition was recorded December 18, 1964.

Note: Previously VAC2007-00028 vacated a portion of platted street side yard setback on Lots 8 and 9 (and other lots), Block 2, Airport Industrial Park Addition, as well as a platted 40-foot half-street ROW, running parallel to the south lot line of Lots 9 Block 2, Airport Industrial Park Addition (as well as other lots).

Note: The published MAPC public hearing meeting of August 6, 2015, for VAC2015-00029 was cancelled due to the lack of a quorum, the resulting being the consideration of VAC2015-00029 for the August 20, 2015, MAPC public hearing meeting.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described drainage easement dedicated by separate instrument.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time July 16, 2015, which was at least 20 days prior to this public hearing.
  2. That no private rights will be injured or endangered by vacating the drainage easement dedicated by separate instrument and that the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Abandonment or relocation/reconstruction of any/all utilities, including Stormwater, made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved private project plan number for the abandonment /relocation of public utilities. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) Provide Planning with any needed easements, with original signatures, for relocated utilities, prior to this case going to City Council for final action and subsequent recording with the Vacation Order at the register of Deeds. Provided to the Planning Department prior to this case going to City Council for final action.
- (3) Provide Planning with a legal description of the vacated portion of the public utility easement dedicated by separate instrument on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.
- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

#### **SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Abandonment or relocation/reconstruction of any/all utilities, including Stormwater, made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved private project plan number for the abandonment /relocation of public utilities. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) Provide Planning with any needed easements, with original signatures, for relocated utilities, prior to this case going to City Council for final action and subsequent recording with the Vacation Order at the register of Deeds. Provided to the Planning Department prior to this case going to City Council for final action.
- (3) Provide Planning with a legal description of the vacated portion of the public utility easement dedicated by separate instrument on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.

- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

There were no public comments.

**MOTION:** To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

**WARREN** moved, **RAMSEY** seconded the motion, and it carried (10-0-1).

**B. JOHNSON** – Abstained.

**3-3. VAC2015-00030: City request to vacate a portion of platted complete access control on property.**

**APPLICANT/AGENT:** Rock Road Court LLC, Amy Liebau (applicant) MKEC Engineering, Inc., c/o Brian Lindebak (agent)

**LEGAL DESCRIPTION:** Generally described as vacating the south 40 feet of the platted complete access control located on the east property line of Lot 13, Brad Boone Addition, to allow a drive/access onto Rock Road, Wichita, Sedgwick County, Kansas.

**LOCATION:** Generally located south of 21st Street North, on the west side of Rock Road and south of North Rock Road Court (WCC #II)

**REASON FOR REQUEST:** To allow a drive

**CURRENT ZONING:** The site and the adjacent east and south properties are zoned LC Limited Commercial. The abutting north and west properties are zoned GO General Office.

The applicant proposes to vacate the south 40 feet of the platted complete access control located on the east, 279.52-foot long property line of Lot 13, Brad Boone Addition. As platted, Lot 13 is not permitted a drive/access onto the arterial street, Rock Road. Lot 13's access is off of the north abutting cul-de-sac Rock Road Court, which intersects with Rock Road and is 239 feet north of the proposed drive. Rock Road has four-lanes at this location. There are no drives located east, across Rock Road from the site. The property located east of the site, across Rock Road, is not permitted access onto Rock Road along its 697.42 feet of Rock Road frontage; Lot 1, Block 1, Bradley Fair 4th Addition. The 99.01-foot wide rails to trails pedestrian – bike path abuts the site's south side and its width contributes to the 220 feet of separation from the proposed drive and the closest drive located south. The closest drive north of the site is located approximately 580 feet away, separated from the subject area by Rock Road Court. The

current Access Management Regulations standard for a right-in – right-out drive is 200 feet between drives or arterial intersections and 400 feet between full movement drives or arterial intersections. Per the Subdivision Regulations, Art 10-104, Modification of Design Criteria, Art VII – Design Standards – Part 2 Specific Standards – 7-204, L, the MAPC may modify design criteria. In the past staff has recommended modified design criteria, which has been approved by the MAPC. The proposed drive would be located within a platted 100-foot wide KG & E easement and Westar has power poles and lines located within the easement; the easement will remain. This is a private easement and the applicant would need to get approval from the utility for the proposed drive. A parking lot is currently located within this easement. There is water line and stormwater conduit and equipment in the area of the vacation. Kansas Gas Service has an 8” steel pipeline and gas valve located within the proposed vacation limits. The installation of a drive may require the relocation of our facilities at the applicant’s expense. The Brad Boone Addition was recorded with the Register of Deeds April 1, 1981.

Note: Previously VAC2007-00045 vacated 40-feet of the platted 70-foot street side setback along the subject site’s Rock Road frontage.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of platted complete access control.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time July 16, 2015, which was at least 20 days prior to this public hearing.
  2. That no private rights will be injured or endangered by vacating the described portion of platted complete access control and that the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Per the approval of the Traffic Engineer, vacate the south 40 feet of the platted complete access control located on the east, 279.52-foot long property line of Lot 13, Brad Boone Addition. Provide a dedication of access control allowing two drives, with original signatures, to Planning Staff prior to the case going to Council for final action.
- (2) Provide written approval from Westar and Kansas Gas Service to locate a drive in the platted 100-foot wide KG & E easement. For Westar contact Greg Roy, Technical Specialist, Design in Transmission Engineering at 1-785-575-8167. For Kansas Gas Service contact Joseph A Bridgewater at 832-3158. This must be provided to Planning prior to the case going to Council for final action.

- (3) Any relocation or reconstruction of utilities, including Westar's and Kansas Gas Service's equipment, made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Provide all needed plans for review and approval by utilities. Provide Planning with any plans as approved by the utilities. This must be provided to Planning prior to the case going to Council for final action.
- (4) All improvements shall be according to City Standards and at the applicant's expense.
- (5) Provide Planning Staff with a legal description of the approved vacated portion of the platted complete access control on a Word document, via e-mail, to be used on the Vacation Order. This must be provided prior to the request proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

#### **SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Per the approval of the Traffic Engineer, vacate the south 40 feet of the platted complete access control located on the east, 279.52-foot long property line of Lot 13, Brad Boone Addition. Provide a dedication of access control allowing two drives, with original signatures, to Planning Staff prior to the case going to Council for final action.
- (2) Provide written approval from Westar and Kansas Gas Service to locate a drive in the platted 100-foot wide KG & E easement. For Westar contact Greg Roy, Technical Specialist, Design in Transmission Engineering at 1-785-575-8167. For Kansas Gas Service contact Joseph A Bridgewater at 832-3158. This must be provided to Planning prior to the case going to Council for final action.
- (3) Any relocation or reconstruction of utilities, including Westar's and Kansas Gas Service's equipment, made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Provide all needed plans for review and approval by utilities. Provide Planning with any plans as approved by the utilities. This must be provided to Planning prior to the case going to Council for final action.
- (4) All improvements shall be according to City Standards and at the applicant's expense.
- (5) Provide Planning Staff with a legal description of the approved vacated portion of the platted complete access control on a Word document, via e-mail, to be used on the Vacation Order. This must be provided prior to the request proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.

- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

There were no public comments.

**MOTION:** To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

**WARREN** moved, **RAMSEY** seconded the motion, and it carried (11-0).

3-4. **VAC2015-00031: County request to vacate portions of platted floodway reserves on property.**

**OWNER/APPLICANT:** Jon C & Andrea C. Parks (owner) Baughman Company, P.A., c/o Phil Meyer (applicant)

**LEGAL DESCRIPTION:** Generally described as vacating portions of the platted floodway easement located along the common lot line of Lots 1 & 2, and the minimum pad elevations of said lots, Four Oaks Addition, Sedgwick County, Kansas (see legal description and exhibit)

**LOCATION:** Generally located west of 127th Street East on the south side of 37th Street North (BoCC #1)

**REASON FOR REQUEST:** Remove proposed building from floodway easement

**CURRENT ZONING:** The site and all abutting and adjacent properties are zoned RR Rural Residential

The applicants are requesting the vacation of portions of a platted floodway easement located along the common lot line of Lots 1 & 2, and the minimum pad elevations of said lots, Four Oaks Addition. The floodway easement is located within a FEMA Type A Flood Zone. The plattor's text states that no structure shall be constructed on or within the floodway easement, nor shall any change of grade, creation of grade, creation of channel or other work be carried on without the approval of the engineer of the appropriate governing body. The minimum pad elevation of Lot 1 is 1,370 feet and the minimum pad elevation of Lot 2 is 1,367 feet. There is no public water, sewer, or stormwater equipment in the described portion of the reserve. The Four Oaks Addition was recorded with the Register of Deeds February 3, 2000.

**NOTE: Per the Subdivision Regulations Article 5-502. Changes to Minimum Pad Elevations on Recorded Plats.** If, after recording a subdivision plat where minimum pad elevations are shown, new floodway/drainage information becomes available that would change the minimum pad elevation requirement, the appropriate engineer (of either the City or County), after verifying the change in floodway/drainage information and after notifying the owner(s) of record of the lot(s) involved, by certified mail to their last known address, or after receiving the request of the owner(s) of record of the lot(s) involved, may file an affidavit with the Register of Deeds, describing the nature and extent of the minimum pad elevation change(s). The change(s) may not increase the required minimum pad elevation unless the lot(s) affected is (are) undeveloped on the date the affidavit is recorded. The Register of Deeds shall record the affidavit and shall place in the margin of the recorded plat a notation that the affidavit has been filed, the date of the filing and the book and page where it is recorded. The filing of the affidavit shall change the minimum pad elevations on the lots as noted in the affidavit, but shall have no effect on the validity of the plat or any property interest recorded by reference thereto.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of the platted floodway easement and the minimum pad elevations.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time July 30, 2015, which was at least 20 days prior to this public hearing.
  2. That no private rights will be injured or endangered by vacating the described portion of the platted floodway easement and the minimum pad elevations and that the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacate portions of a platted floodway easement located along the common lot line of Lots 1 & 2, and the minimum pad elevations of said lots, Four Oaks Addition, as approved by the County Engineer. As needed apply for a revisions of the FEMA Flood Map with the County Engineer/Corps of Engineers.
- (2) Provide an approved legal description of the vacated portion of the platted floodway easement on a Word document via E-mail. Provide to Planning for the Vacation Order, prior to the case going to the County Commission for final action.

- (3) File an affidavit with the Register of Deeds, describing the nature and extent of the minimum pad elevation change(s). The change(s) may not increase the required minimum pad elevation unless the lot(s) affected is (are) undeveloped on the date the affidavit is recorded. The Register of Deeds shall record the affidavit and shall place in the margin of the recorded plat a notation that the affidavit has been filed, the date of the filing and the book and page where it is recorded. The filing of the affidavit shall change the minimum pad elevations on the lots as noted in the affidavit, but shall have no effect on the validity of the plat or any property interest recorded by reference thereto.
- (4) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to County Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to the County Commission for final action.
- (5) All improvements shall be according to County Standards and at the applicants' expense.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds

#### **SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate portions of a platted floodway easement located along the common lot line of Lots 1 & 2, and the minimum pad elevations of said lots, Four Oaks Addition, as approved by the County Engineer. As needed apply for a revisions of the FEMA Flood Map with the County Engineer/Corps of Engineers.
- (2) Provide an approved legal description of the vacated portion of the platted floodway easement on a Word document via E-mail. Provide to Planning for the Vacation Order, prior to the case going to the County Commission for final action.
- (3) File an affidavit with the Register of Deeds, describing the nature and extent of the minimum pad elevation change(s). The change(s) may not increase the required minimum pad elevation unless the lot(s) affected is (are) undeveloped on the date the affidavit is recorded. The Register of Deeds shall record the affidavit and shall place in the margin of the recorded plat a notation that the affidavit has been filed, the date of the filing and the book and page where it is recorded. The filing of the affidavit shall change the minimum pad elevations on the lots as noted in the affidavit, but shall have no effect on the validity of the plat or any property interest recorded by reference thereto.

- (4) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to County Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to the County Commission for final action.
- (5) All improvements shall be according to County Standards and at the applicants' expense.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds

There were no public comments.

**MOTION:** To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

**WARREN** moved, **RAMSEY** seconded the motion, and it carried (11-0).

3-5. **VAC2015-00032: City request to vacate easements dedicated by separate instruments on property.**

**OWNER/AGENT:** Verandas at Crestview I LLC (owner) Baughman Co. PA c/o Phil Meyer (agent)

**LEGAL DESCRIPTION:** Generally described as vacating a 20-foot wide waterline easement dedicated by separate instrument (FLM-PG: 28406470) and a 20-foot wide sanitary sewer easement dedicated by separate instrument (FLM-PG: 29406469) located on Lot 2, Block E, Meadowland Addition, Wichita, Sedgwick County, Kansas. (see legal description and exhibit)

**LOCATION:** Generally located north of Kellogg- 1-35, on the east side of 127th Street East, and east of Douglas Avenue (WCC #II)

**REASON FOR REQUEST:** Future development

**CURRENT ZONING:** The site and the abutting north property are zoned MF-18 Multi-Family Residential. Abutting south and adjacent northwest (across 127<sup>th</sup> Street East) properties are zoned SF-5 Single-Family Residential. Adjacent west properties (across 127<sup>th</sup> Street East) are zoned SF-20. Abutting east property is K-96 right-of-way.

The applicant proposes to vacate a 20-foot wide waterline easement dedicated by separate instrument (FLM-PG: 28406470) and a 20-foot wide sanitary sewer easement dedicated by separate instrument (FLM-PG: 29406469) located on the undeveloped Lot 2, Block E, Meadowland Addition. Much of the site is located within a FEMA Flood Zone. There appears to be no utilities located within the subject easements. The Meadowland Addition was recorded with the Register of Deeds April 3, 2002.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described water line and sanitary sewer easements dedicated by separate instrument.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time July 30, 2015, which was at least 20 days prior to this public hearing.
  2. That no private rights will be injured or endangered by vacating the described water line and sanitary sewer easements dedicated by separate instruments and that the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Abandonment or relocation/reconstruction of any/all utilities, made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved private project plan number for the abandonment /relocation of public utilities. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) Provide Planning with any needed easements, with original signatures, for relocated utilities, prior to this case going to City Council for final action and subsequent recording with the Vacation Order at the register of Deeds.
- (3) Provide Planning with a legal description of the vacated portion of the public utility easement dedicated by separate instrument on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.

- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

### **SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Abandonment or relocation/reconstruction of any/all utilities, made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved private project plan number for the abandonment /relocation of public utilities. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) Provide Planning with any needed easements, with original signatures, for relocated utilities, prior to this case going to City Council for final action and subsequent recording with the Vacation Order at the register of Deeds.
- (3) Provide Planning with a legal description of the vacated portion of the public utility easement dedicated by separate instrument on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.
- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

There were no public comments.

**MOTION:** To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

**WARREN** moved, **RAMSEY** seconded the motion, and it carried (11-0).

### **PUBLIC HEARINGS**

4. **Case No.: CON2015-00024** – Narvella S. McElrath and Billie Fae Cole (applicants/owners) request a City Conditional Use request for a group residence, limited, on MF-29 Multi-Family Residential zoned property described as:

The South 19 feet of lot 130, all of lots 132, 134 and 136 along with the North 12 feet of lot 138, Hillside Avenue, Fairmount Addition to Wichita, Sedgwick County, Kansas.

**BACKGROUND:** The applicants request a conditional use to operate a group residence, limited, on the MF-29 Multi-Family Residential (MF-29) zoned site located approximately 62 feet north of 14<sup>th</sup> Street North on the east side of Hillside Avenue; Unified Zoning Code (UZC), Sec.III-B.8.c.1. A group residence, limited, is a residential facility occupied by six to 15 persons providing cooking, sleeping and sanitary accommodations for a group of people, not defined as a family, on a weekly or longer basis. Typical uses include fraternity or sorority houses, dormitories, residence halls, boarding or lodging houses, children's homes, and emergency shelters for the homeless and for victims of crime, abuse or neglect. The term group residence does not include Group Homes or Correctional Placement Residences; UZC, Sec.II-B.5.i and Sec.II-B.5.k. The applicants' non-restrictive facility is for juvenile males (less than 18-years old), that is proposed to provide a 24-hour residence plus services, such as education coordination, cognitive behavior intervention, daily life skills, etc. A non-restrictive facility does not prohibit the facilities occupants from comings and goings

The MF-29 zoned site currently has a vacant single-family residence (built 1950) located on the south half, with the north half being undeveloped. If approved the applicants propose to tear down the vacant single-family residence (which Code Enforcement has a vacant/neglected building case) and redevelop the site with a 1,698-square foot residence and a 1,200-square foot recreational/common building.

The site is located midway between the three dominate developments in the area. The U University (U) zoned Wichita State University (founded as Fairmont College in 1895) campus is located four blocks north of the site. Two large B Multi-Family Residential (B) zoned older cemeteries are located a 1-1/2 blocks south of the site and the GO General Office (GO) zoned Wesley Hospital is located six blocks south of the site. The more immediate area around site is developed as older, single-story single-family residences with duplexes and apartments mixed in. GO zoned single-family residences (built 1920, 1935) abut and are adjacent (across 14<sup>th</sup> Street North) to the south side of the site. MF-29 zoned quadplexes (built mid 1950s) are located further south of the site. MF-29 zoned vacant lots, single-family residences (built 1917, 1920, 1925, 1944, 1950) and duplexes are located west of the site, across Hillside Avenue. The TF-3 Two-Family Residential (TF-3) zoned St. Mark's Methodist Church (built 1994) with an attached medical and dental clinic (built 1994 and 2012) is located a block west. MF-29 zoned single-family residences (built 1940, 1948) abut and are adjacent to the north side of the site, as are LC Limited Commercial (LC) zoned church and a vacant (built 1973) commercial building. TF-3 zoned single-family residences (built 1910, 1918, 1820, 1947) and duplexes (built 1920) abut and are adjacent to the east side of the site.

**CASE HISTORY:** The site is located on the south 19 feet of Lot 130, all of Lots 132, 134 and 136 along with the north 12 feet of Lot 138, Hillside Avenue, Fairmount Addition, which was recorded with the Register of Deeds on February 15, 1887.

DAB I considered this request at their August 3, 2015 meeting and approved it unanimously.

The published MAPC public hearing meeting of August 6, 2015, for CON2015-00024 was cancelled due to the lack of a quorum, the resulting being the consideration of CON2015-00024 on the August 20, 2015, MAPC public hearing meeting.

**ADJACENT ZONING AND LAND USE:**

NORTH: MF-29, LC Single-family residences, church, vacant commercial building  
SOUTH: MF-29, B Single-family residences, quad-plexes, cemeteries  
EAST: TF-3 Single-family residences, duplexes, church  
WEST: MF-29, TF-3 Single-family residences, duplexes, vacant properties, church with attached medical and dental clinic

**PUBLIC SERVICES:** The site has access onto Hillside Avenue, a paved, four-lane, arterial street, with 60 feet of right-of-way at this location. All utilities are available to the site.

**CONFORMANCE TO PLANS/POLICIES:** The "2030 Wichita Functional Land Use Guide Map" shows the site as "urban residential." The purpose of the MF-29 zoning district is to accommodate high-density, multi-family residential development and complementary land uses. The MF-29 District is generally compatible with the "urban residential" or "urban development mix" designations of the "Wichita-Sedgwick County Comprehensive Plan." It is intended for application within the City of Wichita.

The UZC classifies a group residence, limited, as a residential use. The UZC requires consideration and approval of a conditional use to operate a group residence, limited, on the MF-29 zoned land.

**RECOMMENDATION:** The proposed maximum occupancy of 12-14 in a proposed 1,698-square feet residence is high and will have to be approved by the Fire Department and the Metropolitan Area Building and Construction Department. Based upon the information available prior to the public hearings, planning staff recommends that the request for a Conditional Use be **APPROVED**, with the following conditions:

- (1) The group residence, limited, for juvenile males (less than 18 years old) shall be limited to a maximum occupancy as approved by the Wichita Fire Department, the Metropolitan Area Building and Construction Department and any other applicable federal, state and local standards. The maximum occupancy shall not exceed 14 residence, including staff members. A staff member shall be in the residence 24 hours a day, seven days a week.
- (2) The site will be developed with an approved revised site plan. The site plan shall include, but not be limited to, an on-site paved parking area that conforms to the UZC's parking standards for one parking space per resident. The site plan must be submitted for review within 60-days of approval by the appropriate governing body.
- (3) The applicant shall obtain all required federal, state, local and other applicable permits and inspections.
- (4) The site shall be developed as shown on the approved site plan, within one year of approval by the appropriate governing body or the conditional use shall be declared null and void.
- (5) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The site is located midway between the three dominate developments in the area. The U University (U) zoned Wichita State University (founded as Fairmont College in 1895) campus is located four blocks north of the site. Two large B Multi-Family Residential (B) zoned older cemeteries are located a 1-1/2 blocks south of the site and the GO General Office (GO) zoned Wesley Hospital is located six blocks south of the site. The more immediate area around site is developed as older, single-story single-family residences with duplexes and apartments mixed in. GO zoned single-family residences (built 1920, 1935) abut and are adjacent (across 14<sup>th</sup> Street North) to the south side of the site. MF-29 zoned quad-plexes (built mid 1950s) are located further south of the site. MF-29 zoned vacant lots, single-family residences (built 1917, 1920, 1925, 1944, 1950) and duplexes are located west of the site, across Hillside Avenue. The TF-3 Two-Family Residential (TF-3) zoned St. Mark's Methodist Church (built 1994) with an attached medical and dental clinic (built 1994 and 2012) is located a block west. MF-29 zoned single-family residences (built 1940, 1948) abut and are adjacent to the north side of the site, as are LC Limited Commercial (LC) zoned church and a vacant (built 1973) commercial building. TF-3 zoned single-family residences (built 1910, 1918, 1820, 1947) and duplexes (built 1920) abut and are adjacent to the east side of the site.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned MF-29, which is meant to accommodate high-density, multi-family residential development and complementary land uses within the City of Wichita. The MF-29 zoned site could be developed as single-family residential, duplex and multi-family residential by right. Having frontage on the arterial road Hillside Avenue makes the site less desirable for single-family residential development. However, with Wichita State University being located four blocks north of the site, a multi-family residential development would be appropriate for providing student housing.

**Extent to which removal of the restrictions will detrimentally affect nearby property:** Approval of a conditional use would permit the site to become group residence, limited, specifically (as proposed by the applicants) a non-restrictive facility for up to 12-14 juvenile males (less than 18-years old), that is proposed to provide a 24-hour residence plus services, such as education coordination, cognitive behavior intervention, daily life skills, etc. As proposed the site would be redeveloped with two new buildings, a plus for this older, established neighborhood.

The request does not introduce a new use to the area, as there were two approved group residences, limited, located one block east and another located two-blocks northeast of the site. CON2010-00037 is a group residence, limited, for up to six pregnant women located one-block east of the site on the north side of 14<sup>th</sup> Street North, between Fairmount and Holyoke Avenues. CON2004-00008, with CON2009-00045 (located on the northeast corner of Fairmount Avenue and 15<sup>th</sup> Street North) later amending it to allow a maximum of 10 residents, to have an on-site, live-in manager occupying the facility when any of the rooms have been rented or leased and to have paved parking to meet the UZC's on-site parking requirements. Staff does not know if these sites are currently active.

- (3) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The “2030 Wichita Functional Land Use Guide Map” shows the site as “urban residential.” The purpose of the MF-29 zoning district is to accommodate high-density, multi-family residential development and complementary land uses. The MF-29 District is generally compatible with the “urban residential” or “urban development mix” designations of the “Wichita-Sedgwick County Comprehensive Plan.” It is intended for application within the City of Wichita.

The UZC classifies a group residence, limited, as a residential use. The UZC requires consideration and approval of a conditional use to operate a group residence, limited, on the MF-29 zoned land.

- (4) **Impact of the proposed development on community facilities:** Approval of this request will have a minimal impact on community facilities.

**BILL LONGNECKER**, Planning Staff presented the Staff Report. He noted that the application was approved by the DAB at the August 3, 2015 meeting. In addition, he commented that since this case was deferred from the August 6, Planning Commission meeting; any Protest Petitions need to be turned in at the end of the day. He said he has not received any feedback on the item with the exception of a phone call he received today. He also referred to the handout, which was an e-mail received from Rachel Biglow with questions regarding the application.

**FOSTER** asked staff to walk them through parking and how that will be handled.

**LONGNECKER** responded that there appeared to be ample parking which was one (1) space per staff member as well as enough spaces to accommodate parking for the residents. He said the revised site plan will provide a parking lay out.

**RICHARDSON** asked how will Planning Staff know how many parking spaces are needed.

**LONGNECKER** said right now it is one staff member and whatever else is required by the UZC.

**NARVELLA AND DANA McELRATH, 3545 NORTH CAMERON, WICHITA, KANSAS 67226, APPLICANTS.** **NARVELLA McELRATH** said they currently operate a youth residential facility called “New Vision” at 27<sup>th</sup> Street and North Hillside. She said they would like to relocate the facility to 15<sup>th</sup> Street and Hillside to a property that is very dear to her because she was born and raised there. She said she has also purchased the property next door and they propose to move the program to that location. She said this facility is geared towards male youth 12-18 years of age who have been placed in State custody for numerous reasons including physical abuse by parents, lack of supervision by parents, sexual abuse, truancy, etc. She said normally they do not carry a criminal record. She said once they are placed by the State in New Vision, they complete a curriculum with the facility as well as complete high school or middle school. She said they also complete treatment or therapy sessions they have both in and out of the house. She said they offer three (3) staff shifts so parking should not be an issue and added that the program participants don’t drive. She said staff includes a supervisor, case manager and office staff. She said they would also need a parking space when the State representative comes in to drop off a program participant. She mentioned that all of their participants belong to the USD 259 school district.

**WARREN** asked how long the youth stay with the program.

**McELRATH** said it varies and could be anywhere from 30 days to six (6) months.

**RICHARDSON** asked are the young men considered in foster care while they are in the program; do they have a contract with the State or the county; how does that work and how is the program supervised and inspected?

**McELRATH** said the youth are considered in foster care and added that New Vision has contracts with KVC Healthcare for the State and with St. Francis Community Services. She said once a year the program undergoes an inspection.

**MCKAY** asked the applicants if they agreed with the conditions and staff comments.

**McELRATH** responded yes, absolutely.

**RACHEL AND KELVIN BIGLOW, 1460 NORTH HILLSIDE, WICHITA, KANSAS 67214** said they reside on the corner directly south of the proposed site. She said they have several concerns including why would you want to place juvenile males in this high crime rate environment. She mentioned numerous crimes that have occurred in the area over the last few years including murders, burglaries, break-ins, aggravated assaults and robberies. She said they have surveillance cameras on their home that have aided the WPD in trying to solve some of these crimes. She said there are over 150 sex and drug offenders within one mile of this area. She said they believe there are other places for the youth including the Wichita Children's Home and asked why wasn't that a reasonable place for them. She said they have been told that one of the reasons this location has been selected is because affluent neighborhoods don't want this type of facility. She said this type of facility just perpetuates the stereotype of this area. She said they believe these children have a better chance of getting out of their environment in a different area.

She asked if the youth would be free to come and go as they please. She asked if the home would be staffed 24-7 and will staff be awake all night when many crimes are committed. She said they are concerned living so close because they don't know the type of juveniles being housed or anything about them. She said they were told they would not be housing a criminal population, but the applicant specified "normally" the youth do not have a criminal record. She said no one with a criminal record should be housed there. She concluded by saying that children are very impressionable and she hoped that the children who live in this area are being taken into consideration. She said she would like to see the facility's track record, what they have done in the past, success rates, etc.

**WARREN** asked for clarification of her concerns regarding whether the youth would become victims of crime or add to crime in the area.

**BIGLOW** said they have concerns about both.

**GOOLSBY** commented that one of the stipulations for the conditional use permit is not more than 14 people will be residing on the property including staff; and the facility will be staffed 24 hours a day, seven days a week.

**BIGLOW** asked if staff would be awake in the night hours because they understand that the youth can come and go at will, which she said is another concern of theirs. She asked if the youth are juveniles, why are they allowed to come and go at will.

**CARL STOVALL, 6906 SUMMERSIDE COURT, BEL AIRE, KANSAS** said he does not know where the information came from but the boys are not allowed to come and go at will, they leave the facility because they attend public school. He said in addition, the contract requires the program participants to get education outside of what the school system provides. He said he knows this because his wife has worked with their staff to provide additional training and counseling sessions. He said he does not understand why there is a concern about the youth becoming victims or perpetrating crimes because that happens everywhere in the City as everyone knows. He said as far as neighborhoods not wanting these types of facilities, they are currently located in many single-family neighborhoods surrounded by a lot of other children whom they interact with. He said these children come from unfavorable situations. He said he does not think this situation will be less favorable. He said the program speaks for itself and they have had tremendous success. He said whenever there is a vacancy, they are the first program that is contacted. He said they have had to turn people down because they didn't have room. He said as far as parking is concerned, they will accommodate whatever the City or County requires.

**DANA McELRATH, 3545 NORTH CAMERON, WICHITA, KANSAS 67226** said New Vision has been in business since 2012 and since that time they have had a 100% success rate in their 12<sup>th</sup> grade graduations. He said he understands the concerns of the Biglows; however, he said based on their success rate, they feel expanding New Vision will be profitable to boys in the program so they can guarantee those guys success in life.

**NARVELLA McELRATH** said she loves the youth and could talk and answer questions all day about the program. She said she appreciates the Biglows coming forward and expressing their concerns. She said she grew up at this location along with Mr. Biglow. She said people may ask why would she want to go back to this area. She said this is where her roots are; her mother was a single parent in this area and she believes in this area. She commented that she and Mr. Biglow were raised in this area and they turned out real well. She said if anyone has any concerns they can come to the facility and talk to her. She concluded by saying that the children are supervised 24-7 and their staff does not sleep. She said third shift works from 10:00 p.m. to 6:00 a.m. She said the youth do not come and go at will and are supervised 24 hours a day per State Regulation.

**DENNIS** asked about extending the Protest Petition period. It was noted that since the August 3, 2015 Planning Commission Meeting was cancelled due to lack of a quorum, the ten day Protest period began today.

**MOTION:** To approve subject to staff recommendation.

**DENNIS** moved, **MCKAY** seconded the motion, and it carried (11-0).

**LONGNECKER** offered to help the Biglows file a Protest Petition if they wanted to do so at the end of the meeting.

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5. **Case No.: ZON2015-00026 (Deferred from 7-23-2015)** - Siena Lakes LLC (owner) and Chris Bohm, Ruggles & Bohm (agent) request a City zone change request from SF-5 Single-family Residential to TF-3 Two-family Residential on property described as:

That part of the NW1/4 of the NE1/4 of Sec. 34, T26S, R1W of the 6th P.M., Sedgwick County, Kansas, described as commencing at the northeast corner of the NW1/4 of said NE1/4; thence S00°59'20"E along the east line of the NW1/4 of said NE1/4, 417.42 feet to the place of beginning; thence continuing S00°59'20"E along said east line, 900.93 feet to the southeast corner of the NW1/4 of said NE1/4; thence S88°52'18"W along the south line of the NW1/4 of said NE1/4, 466.63 feet to the east right of line of Lakeway Street as platted in Ridge Port North 4th Addition, Wichita, Sedgwick County, Kansas; thence N01°07'42"W, 11.33 feet to point of curvature of a curve to the right, said curve having a radius of 118.00 feet and a central angle of 26°33'46"; thence northeasterly along said curve, 148.54 feet to a point of reverse curve of a curve to the left, said curve having a radius of 150.00 feet and a central angle of 26°33'46"; thence northeasterly along said curve 66.19 feet; thence southeasterly along a curve to the left, said curve having a radius of 112.82 feet, an arc length of 80.35 feet, chord bearing of S70°48'47"E, 78.67 feet to a point of tangency; thence N88°47'05"E, 86.88 feet to a point of curvature of a curve to the right, said curve having a radius of 19.00 feet and a central angle 90°00'00"; thence southeasterly along said curve 29.85 feet to a point of tangency; thence S01°12'55"E, 25.00 feet; thence N88°47'05"E, 32.00 feet; thence N01°12'55"W, 120.00 feet; thence S88°47'05"W, 32.00 feet; thence S01°12'55"E, 25.00 feet to a point of curvature of a curve to the right, said curve having a radius of 19.00 feet and a central angle 90°00'00"; thence southwesterly along said curve 29.85 feet to a point of tangency; thence S88°47'05"W, 86.88 feet to a point of curvature of a curve to the right, said curve having a radius of 80.82 feet and a central angle of 40°48'21"; thence northwesterly along said curve, 57.56 feet; thence northeasterly along a curve to the left, said curve having a radius of 150.00 feet, an arc length of 90.80 feet, chord bearing of N16°07'33"E, 89.42 feet to a point of tangency; thence N01°12'55"W, 111.00 feet to a point of curvature of a curve to the right, said curve having a radius of 19.00 feet and a central angle of 90°00'00"; thence northeasterly along said curve, 29.85 feet to a point of tangency; N88°47'05"E, 102.00 feet to a point of curvature of a curve to the right, said curve having a radius of 19.00 feet and a central angle 90°00'00"; thence southeasterly along said curve 29.85 feet to a point of tangency; thence S01°12'55"E, 25.00 feet; thence N88°47'05"E, 32.00 feet; thence N01°12'55"W, 120.00 feet; thence S88°47'05"W, 32.00 feet; thence S01°12'55"E, 25.00 feet to a point of curvature of a curve to the right, said curve having a radius of 19.00 feet and a central angle 90°00'00"; thence southwesterly along said curve 29.85 feet to a point of tangency; thence S88°47'05"W, 102.00 feet to a point of curvature of a curve to the right, said curve having a radius of 19.00 feet and a central angle of 90°00'00"; thence northwesterly along said curve, 29.85 feet to a point of tangency; thence N01°12'55"W, 276.88 feet to a point of curvature of a curve to the right, said curve having a radius of 19.00 feet and a central angle of 90°00'00"; thence northeasterly along said curve, 29.85 feet to a point of tangency; N88°47'05"E, 102.00 feet to a point of curvature of a curve to the right, said curve having a radius of 19.00 feet and a central angle 90°00'00"; thence southeasterly along said curve 29.85 feet to a point of tangency; thence S01°12'55"E, 25.00 feet; thence N88°47'05"E, 32.00

feet; thence N01°12'55"W, 120.00 feet; thence S88°47'05"W, 32.00 feet; thence S01°12'55"E, 25.00 feet to a point of curvature of a curve to the right, said curve having a radius of 19.00 feet and a central angle 90°00'00"; thence southwesterly along said curve 29.85 feet to a point of tangency; thence S88°47'05"W, 102.01 feet to a point of curvature of a curve to the right, said curve having a radius of 19.00 feet and a central angle of 89°32'55"; thence northwesterly along said curve, 29.70 feet to a point of reverse curve of a curve to the left, said curve having a radius of 182.00 feet and a central angle of 35°47'06"; thence along said curve, 113.67 feet; thence N88°47'05"E, 319.25 feet to the place of beginning.

**BACKGROUND:** The applicant is requesting a zone change from Single-Family Residential (SF-5) to Two-Family Residential (TF-3) zoning on approximately 5.81 acres of Siena Lakes Addition to Wichita, Sedgwick County, Kansas. The applicant proposes to build 26 duplexes on the property.

West of the subject site is the undeveloped SF-5 zoned Siena Lake subdivision. North of the subject site is a 2-acre SF-5 zoned tract developed with a single-family house which was built in 2004. Property east of the subject site is located in the county Single-Family (SF-20) residential. South of the subject site is the Ridge Port Subdivision zoned SF-5, which is developed with single family residences.

**CASE HISTORY:** The site is located within the City limits of Wichita and consists of 5.81 acres on the south side of 37<sup>th</sup> Street North one-half mile west of North Hoover Road. Staff has received no calls expressing concerns about the proposed zoning change.

**ADJACENT ZONING AND LAND USE:**

NORTH: SF-5	Single-family residential, undeveloped (Siena Lakes)
SOUTH: SF-5	Single-family residential, Ridge Port Subdivision
WEST: SF-5	Single-family residential, undeveloped (Siena Lakes)
EAST: SF-5	Single-family (SF-20), unimproved farm land

**PUBLIC SERVICES:** The site has access to local collector streets that access West 37<sup>th</sup> Street North, a two-lane arterial. All utilities are available to the site.

**CONFORMANCE TO PLANS/POLICIES:** The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for "urban development growth" area. The urban development growth area is projected population growth and City limit expansion that reflect the full diversity of residential development densities and types typically found in a large urban municipality. Expansion of municipal services and infrastructure for subdivision development are important to encourage growth bases on Wichita population growth and current market trends. As such, the TF-3 zoning within the Siena Lakes Subdivision conforms to the urban growth area.

**RECOMMENDATION:** This request provides a residential development opportunity that is not uncommon for multiple (more than an acre) undeveloped lots of SF-5 zoned subdivisions located on the edges of the city. Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED.**

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The site is located in a predominately SF-5 zoned single-family residential neighborhood. Single-family residences are located to the west and south of the newly platted Siena Lakes subdivision.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** TF-3 zoning would allow single-family residences and duplexes to be built which is an appropriate use for urban residential development.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested TF-3 zoning allows duplexes as well as single-family residences by right. There is TF-3 zoning within one mile of the subject site.
- (4) **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval of the request would limit development by right to single-family residential, duplex, and some (but not limited to) institutional uses such as a parks, schools and churches.
- (5) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for "urban development growth" area. The urban development growth area is projected population growth and City limit expansion that reflect the full diversity of residential development densities and types typically found in a large urban municipality. Expansion of municipal services and infrastructure for subdivision development are important to encourage growth bases on Wichita population growth and current market trends. As such, the TF-3 zoning within the Siena Lakes Subdivision conforms to the urban growth area.
- (6) **Impact of the proposed development on community facilities:** All services are in place and any increased demand on community facilities can be handled by current infrastructure.

**KATHY MORGAN**, Planning Staff presented the Staff Report. She said the DAB recommended that lots 40-44 be taken out of the zone change request and remain single-family residential so only lots 19-39 will be changed to TF-3 if the application is approved. She noted that although the notification area was 350 feet; the actual valid protest area is 200 feet.

**MORGAN** referred to a handout which was an Ordinance of Protective Overlay #299 that incorporated suggested conditions discussed at the DAB meeting. She briefly reviewed the conditions including access into the subdivision along Lakeway for emergency access only; that the duplexes be 50% owner occupied so only one unit of the duplex could be leased. She mentioned that it was requested that all vehicles be parked in garages and not on the street apron; that the homeowners association (HOA) would establish the maintenance standards and would maintain landscaping and that gates or bollards be installed at Lakeway for emergency access only.

**DENNIS** asked who drew up the PO and at whose request.

**MORGAN** responded that Senior Planning Staff instructed her to draft the Ordinance with the PO based on comments from the DAB meeting.

**DENNIS** questioned how an Ordinance that all vehicles be parked in garages would be enforced.

**MORGAN** deferred to Bill Longnecker, Senior Planning Staff.

**LONGNECKER** said the PO is a reflection of the dialogue between the DAB and the applicant at the meeting. He mentioned forming an HOA that would be responsible for maintenance and repair and rules governing the development. He said the PO reflects what the applicant agreed to at that meeting including that cars be parked in garages and that half of the duplexes be owner occupied.

**SHARON DICKGRAFE, CHIEF DEPUTY CITY ATTORNEY** said the answer to whether the City can enforce items in the PO is “no”. She commented that this is the first time she has seen the PO and added, that as a Law Department, the City does not get involved in HOA issues. She said if the Ordinance is passed someone is going to have to figure out how to enforce it and she thinks this sets up an expectation by the neighbors that the City will enforce the covenants; however, the City has no legal authority to do so. She said she believes the most the Ordinance could do is request that an HOA be established.

**DENNIS** mentioned the plat and how the bollards would block the right-of-way.

**LONGNECKER** commented that representatives from the Fire and Public Works Departments were at the meeting and agreed that a portion of the right-of-way could be vacated to accommodate that request. He said emergency access could be dedicated at that time.

**DENNIS** clarified that the Commission could forget the entire PO right now.

**LONGNECKER** commented that the City Attorney said the City could require the applicant to establish an HOA.

**DICKGRAFE** commented that some of the provisions included in the PO could be considered during the vacation process. She said right now they are looking at conditions that haven’t been evaluated by the Subdivision Committee or the Planning Commission. She said assuming the Commission wants the PO, items a. and b. are okay and just the first sentence of item c. She said they do not want to get into a situation where they are alluding to anybody that the City would try to enforce any covenants.

**RAMESEY** declared that he had ex parte communication on the application. He said he does not understand the reasoning behind blocking off Lakeway because Ridge Port is not a gated community and Lakeway is obviously intended to be a through street.

**MORGAN** referred the question to the agent. She said she believes it was based on a request made by the neighbors at the DAB hearing.

**MILLER** commented that the applicant was proposing rezoning; the neighbors to the south of the site were opposed to what they thought it would do to their area so the PO is a result of negotiations and the conversation between the applicant and the neighbors to the south. He said staff is attempting to accommodate whatever will make the application work depending on whether what the applicant has proposed is suitable or not; and, obviously, the City Attorney has pointed out that some of the provisions in the PO are not appropriate. He said vacating the street was suggested as a way to satisfy the concerns of the neighbors to the south. He said whether staff is supportive is another question, but they thought they should at least present the suggestions to the Planning Commission for discussion.

**J. JOHNSON** clarified that the HOA is responsible for the suggested limitations, not the City and any violations are settled through the courts.

**DICKGRAFE** said that is correct. She added that the City receives calls every month wanting them to enforce covenants. She said if the provisions are put into an Ordinance as part of a PO which is enforceable through the UZC, it gives the impression that the City will be the enforcement authority.

**RICHARDSON** said fundamentally one of his objections is seeing this for the first time at today's hearing. He said presenting this detailed and complicated overlay and asking the Commission to make a decision isn't right. He said the Commission needs to have this type of information ahead of time, not when they walk in the door.

**CHRIS BOHM, RUGGLES AND BOHM, AGENT FOR THE APPLICANT** said the requested zone change was deferred until today because the applicant wanted to present it to the DAB first. He said the ownership of Siena Lakes met with a group of neighbors to the south prior to the DAB hearing and the elements phrased in this PO are a result of that meeting. He briefly reviewed the provisions which were deletion of the bottom five (5) lots to the south from the application so they would remain SF-5; maintain the tree line on the north border of Ridge Port (south border of Siena Lakes); that half the duplexes be owner occupied which the HOA was happy to put in the covenants. He said the other issue was direct access to Lakeway Street through the Ridge Port neighborhood. He said the applicant offered to vacate the street and dedicate a 20-foot access emergency roadway with bollards or a gate instead of keeping it as a city street. He commented that they have spoken to both the City Fire Department and Traffic Engineering and they are both okay with that idea. He said the PO was offered as a way to start the conversation and put into words what the neighbors requested. He said the covenants for the area will be written that cars need to be parked in garages, but how enforceable that covenant is from a legal standpoint, he does not know.

**RICHARDSON** clarified that 21 dwelling units will be eliminated if the five lots are withdrawn from the application. He mentioned the length of the hammerhead / cul-de-sac and also requested clarification that the Fire Department was okay with the vacation of the street right-of-way and installation of a private street for Fire access, which would have to be presented to the Subdivision Committee for review and approval.

**BOHM** responded yes, he understood the applicant would have to apply for a vacation of the right-of-way.

**WARREN** said speaking from experience parking restrictions are a nightmare and he thinks that is a terrible mistake. He asked how are you going to monitor ownership and what happens if the owner gets transferred on his job. He asked how are they going to force someone into a situation where they have to sell their half of the unit when the only way it makes economic sense is to rent it. He said he can't understand why they would even ask anyone to do that. He said the streets belong to the City. He said he would be opposed to blocking off the street. He suggested getting rid of the gate and opening the street as it was originally designed. He said he would not support any kind of Ordinance that restricts parking.

**GOOLSBY** asked if the applicant was okay with no PO.

**BOHM** said they are presenting what they promised to present at the DAB hearing because they are a result of negotiations with the homeowners to the south of the site in order for them not to protest this proposed rezoning. He said they can agree to remove lots 40-44 from the zone change request. He said he doesn't know about the status of the trees along the south property line and if that can be included in a PO. He said they realize after discussion with staff that they need to forward a vacation request on the right-of-way; however, if the Planning Commission as a body was choosing not to support the vacation that may change.

**RAMSEY** asked what would be gained by blocking off the street. He said it appears that there are already constricting points that reduce the street down to one lane now. He said he lives in Ridge Port north and he doesn't know if they can put bollards up to keep people from using the lake. He said blocking the street makes no sense to him.

**BOHM** said the neighbors to the south were concerned with traffic movement.

**JAY RUSSELL, APPLICANT** clarified that he didn't realize until today that putting vehicles in garages was going to be part of the PO. He said his attorneys have informed him that provision is unenforceable. He suggested striking that provision if the PO is used. He commented about meeting with the neighbors to discuss issues that were important to both sides. He explained that these will not be typical duplex units because they are investor owned and will be controlled by an HOA. He referred to the "Cloisters" development where all exterior maintenance is taken care of by the HOA. He said it was his suggestion that at least one side of the unit be owner occupied, but that wasn't a big issue with him. He said he also agreed that they wouldn't tear up trees along the south lots. He said emergency access was an important issue and the Fire Department didn't have problem with it. He mentioned that the areas to the south and west have been there for three (3) years. He said there are three (3) different entrances and exits from the subdivision out onto 37<sup>th</sup> Street, Ridge Road and another one to the south. He said he believes Siena Lakes will be more of a retirement neighborhood and once the K-96 and Hoover Interchange is completed, this could become a short cut racetrack for people to come through the area. He said he believes more in a walkable neighborhood than a drivable one, and the bollards would allow people to go from one side to the other without having to deal with traffic. He said he would let the homeowners speak for themselves.

**NATE BUYER, 3510 NORTH LAKEWAY STREET** said he moved into this neighborhood ten (10) years ago and this has never been a thru street. He said putting in a street would change things tremendously in their neighborhood. He said the neighbors also felt keeping the trees plus some kind of divider would keep the neighborhoods separate because the houses that are being built are a lot different than the houses currently in the area. He said they currently have single-family regular homes with large lots and if the street goes through they will have smaller slab on grade homes with smaller lots on the same street. He said they are concerned about property values. He said the idea was to have the walkability without having a racetrack through the neighborhood.

**RAMSEY** asked the speaker to explain the tremendous change.

**BUYER** commented that right now there are five (5) homes in the cul-de-sac. He said if Lakeway is opened up, all the traffic from Hoover Road and 37<sup>th</sup> Street will be coming down the street. He said today there is no traffic in the neighborhood. He said they did not know the street was not going to be a cul-de-sac when they purchased their home because that was what was on the plat map that they showed the DAB, even though it was called something else.

**JOHN MACDONALD, 3758 NORTH RIDGE PORT COURT** mentioned that a lot of work and effort went into development of the PO as a result of discussions between the developers and the neighbors to the south of the site. He mentioned that it was disclosed at the DAB hearing that the HOA would be responsible for the exterior maintenance on the twin homes. He said right now it indicates that the HOA would just be responsible for “setting standards” and there is quite a difference from between that and being responsible for maintenance. He said he thinks the correct reflection of the DAB discussion is that the HOA will be responsible for exterior maintenance of the duplex homes.

**CHRIS BROWN, 3511 NORTH LAKEWAY STREET** said she has lived in her home for 12 years. She commented that the only people who need access to Lakeway are the people who live south of them and they are fine with not having access. She said the neighborhood has been in existence for twelve years and has never had access at this point. She said there are currently two ways out of the neighborhood. She said it doesn't seem like there needs to be another access point for ingress and egress. She said this allows neighborhood kids to ride their bikes and walk between the neighborhoods. She commented that the developer has made a valid effort to work with the neighborhood because they have some real concerns about the duplexes. She said they understand that urban growth requires multi-family homes and no one wants that in their neighborhood. She concluded by saying she has 20 signed petitions ready to file after the meeting, but she does not want to do that. She said speaking for herself, she would just like something in the Ordinance that says an HOA needs to be established in the area.

**TERRY SIEBERT, 3507 NORTH LAKEWAY STREET** said he owns one of five (5) homes on Lakeway. He commented that property values are just now starting to come back. He said the high density homes the developer wants to plan north of them is not congruent with what is currently in the neighborhood. He said they would like a little bit of separation to protect the largest investment they'll probably ever make in their lives. He said Lakeway Street has been used as a cul-de-sac and there are already a couple of cul-de-sacs on the north side of the subdivision and they don't think one more would hurt. He said almost 100% of homes affected by this rezoning have filed protests. He said in their protest letter, they gathered over 100 signatures of people who said they do not care if Lakeway Street goes through. He said people can exit and enter the neighborhood just fine. He said they have neighborhood block parties, fire pits and game playing, and Lakeway has been used as a dead end street for the last 12 years. He said if the Fire Department, developer and all of the neighbors who will be affected don't have any issue, he doesn't know why anyone here would have an issue. He commented that Mr. Russell has been very kind during this process. He concluded by saying they want the lawns to be maintained and to look nice, since they will be able to see the development from their homes. He said they want to see the same standards they are held to in an attempt to keep their property values as high as possible.

**RICHARDSON** clarified that the neighbors would like to block the street, but still tell the developer how to develop the area to the north even though they don't have access to it.

**SEIBERT** said over 30 homes back up to the area so they will be directly affected. He mentioned a potential buyer's perception when they look out the back door and see the high density development to the north. He said in his mind the property appraisals are going to start going down. He said they are trying to keep the area congruent with what they already have. Responding to a question from Commissioner Ramsey, he said when they bought their home the plat clearly shows the street as a cul-de-sac.

**RAMSEY** said clearly it is not a cul-de-sac because there is no way to turn around.

**B. JOHNSON** asked if the neighborhood would be opposed to dedicating additional right-of-way for a cul-de-sac if the road was closed.

**SIEBERT** said he believed that was going above and beyond and that would be a lot more difficult in his opinion. He commented that the Fire Department said they don't want to come through Ridge Port to get to Siena Lakes.

**RUSSELL** said City Staff requested a list of where the bollards and emergency access has been done before. He said there are 15 different places in the City where there are similar situations and gave several examples of locations. He said generally they are approved when neighbors are concerned about a traffic problem and speed. He said this is eliminating a problem before it becomes a problem. He said he is very much in favor of it. He said on the plat this is drawn in as temporary cul-de-sac. He commented that neither the Fire Department nor City Engineering have a problem with an emergency access point with bollards and/or a gate. He said the Fire Department wanted this as an alternative way in just in case the main entrance to Siena Lakes is blocked. He mentioned child safety and the fact that this will probably be a retirement neighborhood and said he feels this is a better design. He commented that all the buildings and landscaping in Siena Lake will be maintained by an HOA.

**MCKAY** asked if he agreed that half of the unit has to be owner occupied.

**RUSSELL** said he didn't have a problem with it. He said it doesn't make any difference one way or the other.

**MCKAY** asked staff if the homeowners to the south would have to agree to this by petition.

**MILLER** said the stub that is connected to the plat that has already been filed would need to be vacated. He said the neighbors to the south would get notice, but obviously they are in favor of it.

**J. JOHNSON** asked what the Commission was being asked to approve today, does something have to be restructured.

**MILLER** replied that the Commission is being asked to approve the zoning. He said they can approve the application subject to the PO minus the items legal counsel indicated should not be included.

**RICHARDSON** said he could support the requested zoning minus the five lots. He said if the street is going to be vacated he does not believe neighbors to south should have any interest in how the properties are maintained. He said he does not believe the Commission should support a PO.

**MCKAY** asked about the trees on the south portion of the property.

**RICHARDSON** said he did not believe the trees to the south were part of a zoning change, that is between the developer and the neighbors.

**MOTION:** To approve subject to Staff recommendation, deletion of the five lots on the south (Lots 40-44) from the application and subject to the applicant applying for a vacation of the street.

**RICHARDSON** moved, **J. JOHNSON** seconded the motion.

**FOSTER** said he doesn't see how this case has jurisdiction on vacation of the street.

**MILLER** said that is correct and said the vacation request will have to go through the regular process. He said all this is saying is that the developer has to file it.

**FOSTER** asked staff for more information on how the Fire Department and Traffic Engineering got on board with the idea of losing this street connection.

**LONGNECKER** said that was negotiated at the DAB hearing. He said Fire and Traffic were asked to entertain that idea at that time, but it could have been previous to that. He said there were e-mails exchanged regarding obtaining a minor street permit and Traffic Engineering indicated they would rather have the street vacated. He said any vacation request would need to be presented to both the Subdivision Committee and the Planning Commission.

**MCKAY** said he thought this was a good lesson for everyone that the developer and people got together and tried to work out a solution. He said most of the items in the PO can be taken care of with restrictive covenants.

**MORGAN** indicated that the applicant requested that the Ordinance be presented to the Commission.

**RICHARDSON** said the decision making body (Planning Commission) got this when they walked in the door and he does not find that acceptable.

**DENNIS** requested that the motion be called.

The **MOTION** carried (11-0).

6. Case No.: ZON2015-00031 - Esther M. Wallace (owner) and Baughman Company, P.A., c/o Russ Ewy (agent) request a City zone change request from SF-5 Single-family Residential to NR Neighborhood Retail on property described as:

The South 160 feet of lot 9, Block D, Westview Addition to Wichita, Sedgwick County, Kansas.

**BACKGROUND:** The applicant is requesting a zone change from SF-5 Single-Family Residential to GO General Office on the platted 160 foot (x) 187 foot (0.70-acres) site. The site is a corner lot located one-block west of Ridge Road on the northwest corner of Brunswick and Maple Streets. The site's one story, brick, ranch style house's (built 1948) front yard faces Maple Street, a paved four-lane arterial, with two center-turn lanes at this location. The site has large mature deciduous trees located throughout it, including a hedge like line of mature trees running parallel to its west property line.

SF-5 zoned neighborhoods abut the north and west sides of the SF-5 site. The west abutting SF-5 zoned single-family residences (built in the early 1990s) are separated from the subject site by the noted hedge like line of mature trees and their subdivision's six-foot brick wall. None of the houses located west of the site have front yards facing Maple Street. A similar landscape buffer does not separate the north abutting SF-5 zoned single-family residences (built late 1970s) from the subject site. A LC Limited Commercial zoned small Horton's carpet store (built 1996), small commercial strip with gas pumps (built 1983) and an Outback full service restaurant (built 1999) are located east of the site, across Brunswick Street; Z-2337, Z-3162, and Z-3237. The 0.68-acre carpet store and 0.70-acre commercial strip sites present a similar scale of commercial development that could occur on the 0.70-acre subject site, if the zoning is approved. South of the site, across Maple Street, are the LC and GC General Commercial zoned big box, 17.71-acre Lowes home improvement store (built 1998) and the LC zoned big box, 15.72-acre Target department store (built 2004); Z-3306/DP-37 and Z-3326, ZON2003-00055/DP-270. Lowes and Target are the two largest commercial developments located along the Ridge Road – Maple Street intersection, which includes full service restaurants, casual dining restaurants, furniture stores, commercial and strip buildings. Based on the built dates (as shown on the Sedgwick County Appraiser's information) the subject site's one story, brick, ranch style house (built 1948) is one of the oldest, if not the oldest building in the area; pre Unified Zoning Code (UZC), pre 1958 County zoning within a three mile-ring of the city.

**CASE HISTORY:** The site is described as the South 160 feet of Lot 9, Block D, Westview Addition. The Westview Addition was recorded with the Register of Deeds on February 11, 1953. The site was annexed into the city between 1961 and 1970.

**ADJACENT ZONING AND LAND USE:**

NORTH: SF-5	Single-family residences
SOUTH: LC, GC	Big box home improvement, big box retail
EAST: LC	Carpet sales, small commercial strip, convenience store, restaurant
WEST: SF-5	Single-family residences

**PUBLIC SERVICES:** The site is served by all normally supplied municipal services. The site has access/a drive onto Brunswick Street, a paved two-lane local street which intersects with Maple Avenue, a paved four-lane arterial, with two center-turn lanes at this location. The site also access/a drive onto Maple Avenue.

**CONFORMANCE TO PLANS/POLICIES:** The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for "urban residential" uses. The urban residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly. Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category. The site's current SF-5 zoning allows single-family residences, schools, churches, and parks and is appropriate for the urban residential category. The site's one story, brick, ranch style house's front yard faces Maple Street, a paved four-lane arterial, with two center-turn lanes at this location; this orientation lessens the appeal of the site's single-family residence.

The NR zoning district is generally compatible with the "local commercial" or "urban development mix" designations of the Wichita-Sedgwick County Comprehensive Plan. The urban development mix category has uses that are predominately found in the urban residential category, such as single-family residential, duplexes, apartments, schools, parks, churches and similar residential-serving uses. The urban development mix category also could be developed with local commercial uses, major institutional uses and park and open spaces. The urban development mix category contains land that is likely to be developed or redeveloped within the next 30-years. The Maple Street – Ridge Road intersection (and south of Ridge to Kellogg) has experience redevelopment from single-family residential to commercial during the last, at least, two and a half decades.

The NR zoning district also allows very-low intensity retail and office development and other complementary land uses that serve and are generally appropriate near residential neighborhoods.

**RECOMMENDATION:** Approving the zoning request moves commercial zoning further west, across Brunswick Street, a paved two-lane local street. If approved, commercial zoning would abut SF-5 zoned single-family residences/neighborhoods. Future commercial zoning requests in the immediate area could be on the north abutting property, leading to a possible expansion of the subject site, further encroaching into the SF-5 zoned neighborhood; staff would not support a future request to expand commercial zoning to the north or the west.

The site's one story, brick, ranch style house's front yard faces Maple Street, a paved four-lane arterial, with two center-turn lanes at this location; this orientation may lessen the appeal of the site's single-family residence. The subject site's one story, brick, ranch style house, built 1948, is one of the oldest, if not the oldest building in the area. The site's single-family residence is pre-1958 County zoning within a three mile-ring of the city (which shows all of this discussed area as suitable for suburban residential), pre-1961-1970 annexation into the city and pre- Unified Zoning Code (UZC). The site, with its Maple Street frontage, is located one-block (approximately 330 feet) west of Ridge Road. Commercial development is now the dominate feature of the Maple Street – Ridge Road intersection.

The requested NR zoning is more restrictive then the adjacent east (across Brunswick Street) and south (across the arterial Maple Avenue) LC and GC zoned commercial developments. If today's request is approved, commercial development on the 0.70-acre site would be of a similar scale as the east adjacent LC zoned 0.68-acre carpet store and 0.70-acre commercial strip sites.

Compatibility setback, height and light standards will apply to the development of the site. The provisions of a protective overlay could limit the uses permitted by right in the NR zoning district.

Based upon the information available prior to the public hearings, planning staff recommends that the request for NR zoning be **APPROVED**, subject to the following provisions of a protective overlay:

- (1) Permitted uses are automated teller machine, bank or financial institution, general office, personal care service general retail, personal improvement service, a medical office, and a 2,000-square foot full service restaurants (no drive through windows or curb side service)
- (2) The hedge like line of mature trees running parallel to the site's west property line shall be maintained or improved as needed to provide a solid landscape buffer. A line of six-foot tall (at the time of planting) evergreens shall be planted on 12-foot centers along the north property line. An eight-foot tall solid fence shall be installed south of the line of evergreens. The rest of the required landscaping shall be per the Landscape Ordinance.

- (3) Compatibility setback, height and light standards and all applicable USC standards will apply to the development of the site. A drainage plan must be approved by the Public Works.
- (4) No parking or lighting within the rear and interior side yard setbacks.

This recommendation is based on the following findings:

(1) The zoning, uses and character of the neighborhood: SF-5 zoned neighborhoods abut the north and west sides of the SF-5 site. The west abutting SF-5 zoned single-family residences (built in the early 1990s) are separated from the subject site by the noted hedge like line of mature trees and their subdivision's six-foot brick wall. None of the houses located west of the site have front yards facing Maple Street. A similar landscape buffer does not separate the north abutting SF-5 zoned single-family residences (built late 1970s) from the subject site. A LC Limited Commercial zoned small Horton's carpet store (built 1996), small commercial strip with gas pumps (built 1983) and an Outback full service restaurant (built 1999) are located east of the site, across Brunswick Street; Z-2337, Z-3162, and Z-3237. The 0.68-acre carpet store and 0.70-acre commercial strip sites present a similar scale of commercial development that could occur on the 0.70-acre subject site, if the zoning is approved. South of the site, across Maple Street, are the LC and GC General Commercial zoned big box, 17.71-acre Lowes home improvement store (built 1998) and the LC zoned big box, 15.72-acre Target department store (built 2004); Z-3306/DP-37 and Z-3326, ZON2003-00055/DP-270. Lowes and Target are the two largest commercial developments located along the Ridge Road – Maple Street intersection, which includes full service restaurants, casual dining restaurants, furniture stores, commercial and strip buildings. Based on the built dates (as shown on the Sedgwick County Appraiser's information) the subject site's one story, brick, ranch style house (built 1948) is one of the oldest, if not the oldest building in the area; pre Unified Zoning Code (UZC), pre 1958 County zoning within a three mile-ring of the city.

(2) The suitability of the subject property for the uses to which it has been restricted: The site's current SF-5 zoning allows single-family residences, schools, churches, and parks by right. The site's one story, brick, ranch style house's front yard faces Maple Street, a paved four-lane arterial, with two center-turn lanes at this location. South of the site, across Maple Street, are the LC and GC General Commercial zoned big box, 17.71-acre Lowes home improvement store (built 1998) and the LC zoned big box, 15.72-acre Target department store (built 2004); Z-3306/DP-37 and Z-3326, ZON2003-00055/DP-270. Lowes and Target are the two largest commercial developments located along the Ridge Road – Maple Street intersection. The site's orientation towards Lowes and Target lessens the appeal of the site's single-family residence.

(3) Extent to which removal of the restrictions will detrimentally affect nearby property: Approving the zoning request moves commercial zoning further west, across Brunswick Street, a paved two-lane local street. If approved, commercial zoning would abut SF-5 zoned single-family residences/neighborhoods. Future commercial zoning requests in the immediate area could be on the north abutting property, leading to a possible expansion of the subject site, further encroaching into the SF-5 zoned neighborhood. The requested NR zoning is more restrictive than the adjacent east (across Brunswick Street) and south (across the arterial Maple Avenue) LC and GC zoned commercial developments. If today's request is approved, commercial development on the 0.70-acre site would be of a similar scale as the east adjacent LC

zoned 0.68-acre carpet store and 0.70-acre commercial strip sites. Compatibility setback, height and light standards will apply to the development of the site. The provisions of a protective overlay could limit the uses permitted by right in the NR zoning district.

(4) Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The “2030 Wichita Functional Land Use Guide Map” depicts the site as appropriate for “urban residential” uses. The urban residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly. Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category. The site’s current SF-5 zoning allows single-family residences, schools, churches, and parks and is appropriate for the urban residential category. The site’s one story, brick, ranch style house’s front yard faces Maple Street, a paved four-lane arterial, with two center-turn lanes at this location; this orientation lessens the appeal of the site’s single-family residence.

The NR zoning district is generally compatible with the “local commercial” or “urban development mix” designations of the Wichita-Sedgwick County Comprehensive Plan. The urban development mix category has uses that are predominately found in the urban residential category, such as single-family residential, duplexes, apartments, schools, parks, churches and similar residential-serving uses. The urban development mix category also could be developed with local commercial uses, major institutional uses and park and open spaces. The urban development mix category contains land that is likely to be developed or redeveloped within the next 30-years. The Maple Street – Ridge Road intersection (and south of Ridge to Kellogg) has experience redevelopment from single-family residential to commercial during the last, at least, two and a half decades.

The NR zoning district also allows very-low intensity retail and office development and other complementary land uses that serve and are generally appropriate near residential neighborhoods.

(5) Impact of the proposed development on community facilities: There will be minimal impact on community facilities.

**BILL LONGNECKER**, Planning Staff presented the Staff Report.

**RUSS EWY, BAUGHMAN COMPANY, 315 ELLIS, AGENT FOR THE APPLICANT** said he would stand for questions. He said he believed one resident in the area has comments on the application.

**RICHARDSON** asked the agent about approving the request minus the restaurant.

**EWY** said he doesn’t see a problem removing restaurant from the list of permitted uses.

**JARED GISH, 227 SOUTH BRUNSWICK** said he was present for the restaurant question. He indicated that he lived two houses from the site and he maintains his property pretty well. He said he would like to see the applicant provide a six (6) foot block wall along the north side of the property and exit only onto Maple Street from the site, not down Brunswick. He said this area is the first Addition of Ashley Park.

**J. JOHNSON** asked about access onto Maple Street.

**EWY** commented that they had received an e-mail from one of the neighbors saying they were fine with the proposal but did have concerns about the specific location of a drive. He referred to a schematic with an el shaped parking area with openings onto both Brunswick and Maple. He said they will meet with Traffic Engineering prior to the DAB hearing to see if a single point of access would be preferable. He said the neighbors also expressed a preference that the building be kept in the northwest quadrant of the property with parking in the front. He said staff requested that they maintain existing vegetation which would be fine with a wood screening fence, which is what is required by Code. He said it will be a bit trickier to maintain the vegetation with a masonry wall. He said they would like to meet the screening requirements as recommended by staff, which was wood screening in addition to the trees.

**J. JOHNSON** asked about any restriction about exiting onto Brunswick.

**RICHARDSON** suggested they let Traffic Engineering address that issue. He said he believes the traffic issue is people using Brunswick to avoid the intersection and this location probably won't generate enough traffic to affect that.

**MOTION:** To approve subject to staff recommendation with elimination of any restaurant use on the site.

**RICHARDSON** moved, **DENNIS** seconded the motion, and it carried (11-0).

7. **Case No.: CUP2015-00023** - Invista Hospitality, LLC (Jason Madhu) and 7601 W. University, LLC / Kaw Valley Engineering, Inc., (Tim Austin) request a Minor Amendment to CUP DP-37 to allow for a hotel use and to increase allowable square footage from 34,242 square feet to 50,000 square feet on Parcel 14 on property described as:

Lot 3, Block B; Ridge Plaza 8<sup>th</sup> Addition to Wichita, Sedgwick County, Kansas.

**BACKGROUND:** The applicant is requesting an amendment to Parcel 14 of the Ridge Plaza Community Unit Plan (CUP) DP-37 to permit a four-story (approximately 48-foot) hotel and to increase the gross floor area to 48,242 square feet. The application area is located 840 feet South of West University Avenue, 1,575 feet east of South Woodchuck Lane (North of West U. S. Highway 54/400 Kellogg Avenue, west of Eisenhower Airport Parkway). The subject property is currently undeveloped.

Parcel 14 is zoned General Commercial (GC) and permits the following uses: service and retail commercial, offices, financial institutions, medical offices and clinics, restaurants, private clubs, theaters, racquetball, tennis and health club facilities and manufacturing. According to the current CUP Parcel 14 contains 1.57 acres and permits: 20,546 square feet of building coverage, 34,242 square feet

of gross floor area and a maximum building height of 80 feet. The application area is located in Area A of the Wichita Airport Hazard Zoning Map that limits heights to 25 feet or less, unless taller heights are approved by the Federal Aviation Authority. The property is platted as Lot 3, Block B, Ridge Plaza 8<sup>th</sup> Addition, recorded in April, 1982. The plat shows a 35-foot building setback along the north and east property lines. A 20-foot utility easement is shown on north property line, abutting University Avenue. A 20-foot utility easement is also shown on the plat along the west property line; however, that easement has been subsequently vacated. General Provision 20 contemplated that Parcels 14, 15, 16 and 17 might be uses as a single parcel. If any of the parcels were to be used individually, the parcel was limited to the maximum building coverage and maximum gross floor area allotted to the specific parcel. Parcels 14, 15, 16 and 17 are restricted to Office Warehouse (OW) outdoor storage standards (General Provision 21). Parcels 14, 15, 16 and 17 are to conform to the signage restrictions of the OW district. No off-site or portable signs shall be permitted. No signs with moving, flashing or rotating features are permitted. Signs that create the illusion of movement are not permitted (General Provision 22).

Land located to the west and south of the application area is zoned GC. The parcels to the west (Parcels 15 and 17, DP- 37) are developed with a manufacturing use. Land located to the south (Parcels 13, DP- 37) is developed with furniture/home furnishings store/warehouse and two four-story hotels/motels. Land located east of the application area is an un-zoned 110-foot wide drainage ditch. East of the drainage ditch are two parcels, (Parcel 8 and 9, DP-37) both of which are zoned LC Limited Commercial and developed with retail or commercial uses. Land to the north (DP-270), across West University Avenue, is zoned LC, and is developed with a big box store. The application area is part of a larger commercial area that has been developing since 1970. The subject site has its most direct access to an arterial street, Eisenhower Airport Parkway, via West University Avenue and Taft Street.

**CASE HISTORY:** In 1970 the CUP and its zoning were approved subject to platting. In 1980 the CUP was amended (File #1) to revise parcel boundaries, modify parcel descriptions and to remove land from the CUP that was sold for school use. In 1990 an administrative adjustment dealing with parking on Parcel 1 was granted. In 1997 an administrative adjustment for Parcels 5, 6 and 7 (Lowe's Home Improvement Store) to reduce building setback, modify access controls, reconfigure parcel boundaries and modify landscaping requirements was granted. In 1998, CUP DP-37 Amendment #1 and zone change Z-3305 was approved for Parcel 5 (Lowe's Home Improvement Store) to allow outside storage and rezoned certain land from LC to GC. In 1999 an administrative adjustment was granted that created Parcel 3A out of Parcel 3 and modified landscaping requirements. In 2000 an administrative adjustment dealing with signage requirements was granted. A second administrative adjustment was approved to create a smaller parcel from Parcel 1 to create a restaurant pad site. Also in 2000 an amendment to permit a wireless communication tower was denied (CUP2000-00046).

**ADJACENT ZONING AND LAND USE:**

North: LC; big box store

South: GC; home furnishings store/warehouse, two four-story hotels/motels

East: LC; retail, commercial

West: GC; manufacturing

**PUBLIC SERVICES:** University Avenue has a full 70 feet of street right-of-way. Sanitary sewer, water and other city supplied services are either available to the site or can be extended to serve the site.

**CONFORMANCE TO PLANS/POLICIES:** The 2030 Wichita Functional Land Use Guide Map depicts the site as appropriate for “regional commercial” uses. This category encompasses major destination areas containing concentrations of commercial, office and personal service uses that have predominately regional market areas and high volumes of retail traffic. These uses are located in close proximity to major arterials or freeways. The range of uses includes: major retail malls, major automobile dealerships and big box retail outlets.

**RECOMMENDATION:** Based upon the information available at the time the staff report was prepared it is recommended that the request be approved subject to:

1. Prior to the issuance of a building permit, the applicant shall submit to the FAA a Form FAA 7460-1 “Notice of Proposed Construction or Alteration,” and receive from the FAA a formal written “Determination of No Hazard to Air Navigation” demonstrating no adverse impact, no safety hazards, and no other risks to air navigation approaches.
2. The applicant shall submit four revised copies of the approved CUP to Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be denied.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Land located to the west and south of the application area is zoned GC. The lot to the west (Parcels 15 and 17, DP- 37) is developed with a manufacturing use. Land located to the south (Parcels 13, DP-37) is developed with furniture/home furnishings store/warehouse and two four-story hotels/motels. Land located east of the application area is an un-zoned 110-foot wide drainage ditch. East of the drainage ditch are two parcels, (Parcel 8 and 9, DP-37) both of which are zoned LC Limited Commercial and developed with retail or commercial uses. Land to the north (DP-270), across West University Avenue, is zoned LC, and is developed with a big box store. The application area is part of a larger commercial area that has been developing since 1970. The subject site has its most direct access to an arterial street, Eisenhower Airport Parkway, via West University Avenue and Taft Street.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned GC subject to the development standards associated with CUP DP-37 and particularly with Parcel 14. Selected development standards for Parcel 14 include: permitted uses are service and retail commercial, offices, financial institutions, medical offices and clinics, restaurants, private clubs, theaters, racquetball, tennis and health club facilities and manufacturing. Parcel 14 contains 1.57 acres and permits: 20,546 square feet of building coverage, 34,242 square feet of gross floor area and a maximum building height of 80 feet. The proposed hotel/motel would be compatible with permitted uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Two other four-story hotels/motels already exist south of the application area. From a land use perspective, the addition of a third hotel/motel will not detrimentally impact nearby properties.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request will add another hotel/motel to the community thereby adding to the community's ability to accommodate visitors and others needing hotel/motel accommodation. Denial would presumably be a loss of economic opportunity for the land owner or hotel developer.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide Map depicts the site as appropriate for "regional commercial" uses. This category encompasses major destination areas containing concentrations of commercial, office and personal service uses that have predominately regional market areas and high volumes of retail traffic. These uses are located in close proximity to major arterials or freeways. The range of uses includes: major retail malls, major automobile dealerships and big box retail outlets.
6. Impact of the proposed development on community facilities: None identified. Community facilities are either available to the site or can be extended to serve the property.

**DALE MILLER**, Planning Staff presented the Staff Report.

There were no public comments.

**MOTION:** To approve subject to staff recommendation.

**B. JOHNSON** moved, **MCKAY** seconded the motion, and it carried (10-0-1).  
**RICHARDSON** – Abstained.

8. Case No.: DER2015-00001 - Public hearing to consider adoption of the Final Draft Community Investments Plan 2015-2035 as the new Wichita-Sedgwick County Comprehensive Plan, and as supplemented by current elements adopted by amendment to the existing comprehensive plan.

**Background:** In 2011, the City of Wichita and Sedgwick County initiated a process to develop the Community Investments Plan to replace the current joint City and County Comprehensive Plan which dates back to 1993. A more current and relevant plan is needed to provide a policy framework and set priorities to guide future public investments out to the year 2035 in municipal buildings and infrastructure (e.g. libraries, public safety buildings, streets, bridges, parks, water supply, sanitary and storm sewer, culture, and recreation, etc.).

In 2012, the City and County partnered with WSU to undertake a comprehensive assessment of all City and County infrastructure and facilities. A Plan Steering Committee was also jointly appointed by the Wichita and Sedgwick County Managers in late 2012 to begin the development of a new comprehensive plan. Seven of the 18-member Steering Committee are also members of the MAPC.

During 2013 and 2014, the Steering Committee developed and evaluated three possible long-term growth scenarios for Wichita. Following an extensive community engagement process in the spring and summer of 2014, a preferred growth scenario was selected by the Committee to serve as the basis for the development of the new comprehensive plan.

On January 22, 2015, the MAPC received a briefing and update on the development of the working draft plan. In March 2015, the Steering Committee released the draft *Community Investments Plan 2015-2035* for public review and feedback. The Planning Department organized four public open house events and provided over 40 presentations (April through June) to over 700 people on the draft Plan. Feedback was also received through the *Activate Wichita* website. The Steering Committee met on June 24, 2015 to finalize changes to the draft Plan based upon feedback received from the community engagement process and two workshops held with the Wichita City Council in April and June. In late June and early July, staff briefed the members of the Sedgwick County Board of Commissioners on the contents of the draft Plan.

On July 16<sup>th</sup>, the Advance Plans Committee passed a motion recommending that the MAPC set a public hearing date to consider the proposed adoption of the final draft *Community Investments Plan 2015-2035* as the new Comprehensive Plan for Wichita-Sedgwick County.

In early August 2015, staff presented the final draft of the Community Investments Plan to the six District Advisory Boards (DAB's) for the City of Wichita. All six DAB's voted unanimously to recommend that the Plan be adopted as the new comprehensive plan for Wichita and Sedgwick County.

**Analysis:** The final draft *Community Investments Plan 2015-2035* is recommended to the MAPC by the Plan Steering Committee for adoption as the new joint comprehensive plan for Wichita-Sedgwick County. It is a high-level policy plan that provides guidance for future Wichita growth, sets overall community investment priorities, and provides a decision-making framework to guide future public infrastructure investment decisions.

PLAN SUMMARY- What's new and/or significantly different compared with our existing comprehensive plan...

- A new *Plan Vision Statement* along with seven *Core Community Values* and five overarching *Plan Guiding Principles* to help set 'high-level' context and guidance for future land use development and investment in public infrastructure.
- A new focus on future public infrastructure investment priorities.
- A new *2035 Urban Growth Areas Map* and a *2035 Wichita Future Growth Concept Map*.
- A new *Wichita Urban Infill Strategy* to support and facilitate greater levels of infill and redevelopment in Wichita's mature urban areas - to meet market demand and capitalize on the City's existing infrastructure investments.
- A *Plan Elements* section containing 10 goals and 46 strategies that set overall infrastructure investment priorities across the categories of: *Funding and Financing; Transportation; Water, Sewer and Stormwater; Arts, Culture and Recreation; and Public Safety*.
- A three-level *Infrastructure Investment Decision-making Framework* to systematically guide future public project spending decisions in a manner that supports community priorities, reflects willingness to pay, and is coordinated with market-driven growth.

**Recommended Action:** That the Metropolitan Area Planning Commission adopt the resolution adopting the final draft Community Investments Plan 2015-2035 dated July 1, 2015 as the new Comprehensive Plan for Wichita-Sedgwick County (Attachment A), and also adopting those neighborhood and area plan itemized on Attachment B as elements of the Community Investments Plan 2015-2035. Notice of this action shall be transmitted to the City Council of the City of Wichita and to the Sedgwick County Board of County Commissioners for their consideration and adoption.

**Attachments:**

1. Resolution.
2. Attachments A - Final Draft *Community Investments Plan 2015-2035* dated July 1, 2015.  
This link will provide electronic access to the Plan document:

<http://www.wichita.gov/Government/Departments/Planning/Pages/Comprehensive.aspx>

3. Attachment B - Listing of neighborhood and area plans adopted as elements of the Final Draft *Community Investments Plan 2015-2035* dated July 1, 2015.

**DAVE BARBER**, Planning Staff presented the Staff Report. He recognized Cindy Miles, Co-Chair of the Comprehensive Plan Steering Committee. He gave a brief overview of the Plan starting with a pie chart depicting where CIP dollars come from and another pie chart depicting where CIP dollars are spent. He reviewed the engagement process and meetings held with various groups and stakeholders and how the Plan was developed including the Plan Vision Statement and guiding principles. He reviewed the seven (7) Core Community Values for framework of the Plan and the five (5) Guiding Principles.

**BARBER** reviewed future land use policies and commented that adopted neighborhood plans will be included because they provide additional policy guidance and more detail. He referred to the 2035 Urban Growth Areas Map for each city in Sedgwick County. He said the map was developed after a discussion with each city regarding future development and infrastructure needs, and it updates the current map developed in 2005. He referred to the Wichita Future Growth Concept Map which he indicated was very generalized and conceptual. He mentioned that the two (2) growth categories depicted on the map include new residential growth areas and new employment areas which will help the City better anticipate and plan for public infrastructure that will support market driven development. He mentioned population growth rates and job growth rates over the next 20 years. He said those are aggressive projections but the Plan Steering Committee felt like the community needed to aspire towards accelerated growth if the community is going to be successful over the next 20 years. He also referred to the "established central area of the community" bounded by Ridge Road on the west, 29<sup>th</sup> Street on the north, Rock Road on the east and Pawnee Avenue on the south. He said it is projected that over the next 20 years, 12% of the City's growth will occur in this area. He mentioned the four (4) key strategies of the Urban Infill Strategy.

**WARREN** asked about projections for additional multi-family.

**BARBER** said the Plan does not specifically identify multi-family; however, staff believes the majority of development will be multi-family residential. He said as community demographics change there will probably be more rental properties and multi-family development. He said by the year 2025-2030, half of all households will only have one person living in them.

**RICHARDSON** asked about Plan integration with the Transit Authority.

**BARBER** commented that the development that is being forecast in this Plan will probably not happen without transit improvements. He said the Transit Plan has not been finalized because they are adding routes to enhance service. He said the short answer would be yes.

**BARBER** continued reviewing Locational Guidelines and the Wichita Urban Infill Strategy. He said the Plan identified four (4) barriers to accelerated infill including neighborhood opposition, regulatory barriers, old infrastructure, and land assembly and financing issues. He said strategies were developed to help solve those barriers.

**MCKAY** asked about enlarging the growth pattern area on the map and referenced testimony the Steering Committee received from developers. He said infill inside that area is a lot more expensive than on the fringes.

**WARREN** (Out @3:30 p.m.)

**BARBER** said although this is not a hard line in the sand, it is the key target area for now. However, he added that there will be other infill opportunities outside of this area. He said staff will review and amend the Plan on an annual basis and make adjustments based on the market. He said the Plan is intended to be dynamic and flexible as the City moves forward.

**RICHARDSON** commented that transit would make those areas attractive as infill. He said it does not appear to him that transit is being coordinated with where development could occur in the future. **BARBER** commented that two pieces of the Plan talk about transit and added that public investment in transit is a medium investment item, not a low priority. He referenced Page 31 of the Plan and quoted a general statement about transit.

**RICHARDSON** said transit can be key and mentioned that in Washington, DC and other cities being near the Metro is a key point for property values because you can't move the Metro. He said here, it seems like Transit moves the routes every six (6) months which does not encourage development. He said Wichita needs to think about how they can encourage that to help development in the future.

**BARBER** commented that was a good point.

**BARBER** continued the presentation by mentioning the ten (10) goals and 46 strategies scattered among the five (5) Plan chapters that were developed to set policy guidance for public infrastructure spending and investment. He said the categories were funding and financing; transportation; water, sewer and stormwater; arts, culture and recreation; and public safety. He reviewed each category, the priority of the category and the goals and strategies for each.

**BARBER** reviewed Plan Implementation including a list of proposed projects and costs allocated by the three (3) categories which were maintain and replace; enhance and expand. He said there is a gap of approximately \$9.5 billion between project costs versus forecasted revenues. To address this issue he said the Plan included Infrastructure Investment Decision Making Framework which was a three level systematic analysis to evaluating projects by merit and detail, funding and relation to the CIP Program.

**BARBER** concluded by mentioning addition of a commitment to monitoring, reviewing and amending the Plan to keep it current and relevant. He briefly summarized what was new in the Plan including the vision statement, the seven (7) core community values and five (5) guiding principles, a Plan that is strongly focused on public infrastructure priorities, updated Urban Growth Area Map, updated Wichita Growth Concept Map, new urban infill strategy, plan elements to set priorities and infrastructure spending, three level investment decision marking framework and a commitment to keeping the Plan relevant and current.

**BARBER** said the Plan received unanimous approval from all six (6) District Advisory Boards, and staff plans to present the Plan to both the City Council and County Commission in early October for final approval.

**CINDY MILES, 1506 EAST 59<sup>th</sup> STREET SOUTH, WICHITA, KANSAS** said this has been an extensive process for this Committee and feels they have done their research, listened to a lot of input from professionals, city staff and people in the community. She said she thinks it is a good plan. She said she wanted to tell everyone present who served on the committee for the past 2 ½ years how much she appreciates the work they did on the Plan. She urged the Commission to support the Plan and make sure that in the future the Plan is used as a tool not put on a shelf.

**JOHN STEVENS, 3125 EAST BOSTON** said he spent a lot of time with members of the Comprehensive Plan Steering Committee watching them agonize over what to put in and take out to balance the Plan the best way they could. He referenced his work in the gas and oil industry and commented that the maps they used were mostly "hope sheets". He said he didn't want to call this Plan a hope sheet because there was a lot more science used in development of this Plan. He said the Comprehensive Plan Steering Committee were dedicated and staff did a wonderful job. He said this is not a perfect plan but it makes you think about where we are going in the future. He said he thinks it's an important process to do as much planning as you can and, he urged the Commission to vote yes on the Plan.

**J. JOHNSON** thanked Cindy Miles for going above and beyond as Co-Chair of the Steering Committee and the extra time and effort she put in going out into the community to make presentations on the Plan.

**DENNIS** commented that the Plan has been before the Advance Plans Committee several times. He wanted to echo Commissioner Johnson's comments and added that he thinks staff has done tremendous job, and he appreciates all the hard work.

**FOSTER** said he also wanted to commend staff. He said as a Committee member he wanted to recognize the input and effort staff made to go out and seek input from the community. He said he thinks the plan is well done graphically and is easy to read, and it represents the community at this point in time very well.

**MILLER STEVENS** said as a member of the Committee she was always encouraged by the work everyone did on the Plan. She said she believes it is a good document to move forward with and encouraged everyone to support the Plan.

**MOTION:** To adopt the resolution adopting the final draft Community Investments Plan 2015-2035 dated July 1, 2015 as the new Comprehensive Plan for Wichita-Sedgwick County, and also adopting those neighborhood and area plans itemized on Attachment B as elements of the Community Investments Plan 2015-2035.

**J. JOHNSON** moved, **FOSTER** seconded the motion, and it carried (10-0).

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**Other Items**

**Update on Zoning Area of Influence**

**MILLER** reported that in addition to the speakers at the Planning Meeting, staff has only received three (3) letters at this point in time.

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The Metropolitan Area Planning Commission adjourned at 3:50 p.m.

State of Kansas        )  
Sedgwick County     ) ss

I, W. David Barber, Interim Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on \_\_\_\_\_, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
W. David Barber, Interim Secretary  
Wichita-Sedgwick County Metropolitan  
Area Planning Commission

(SEAL)

**STAFF REPORT**

**CASE NUMBER:** SUB2015-00011 – SILVER SPRINGS 2<sup>ND</sup> ADDITION

**OWNER/APPLICANT:** Builder’s Inc., Attn: Brad Smisor, 1081 South Glendale, Wichita, KS 67218

**SURVEYOR/AGENT:** Baughman Company, P.A., Attn: Kris Rose, 315 Ellis, Wichita, KS 67211

**LOCATION:** East of Ridge, North side of Central (District V)

**SITE SIZE:** 34.29 acres

**NUMBER OF LOTS**

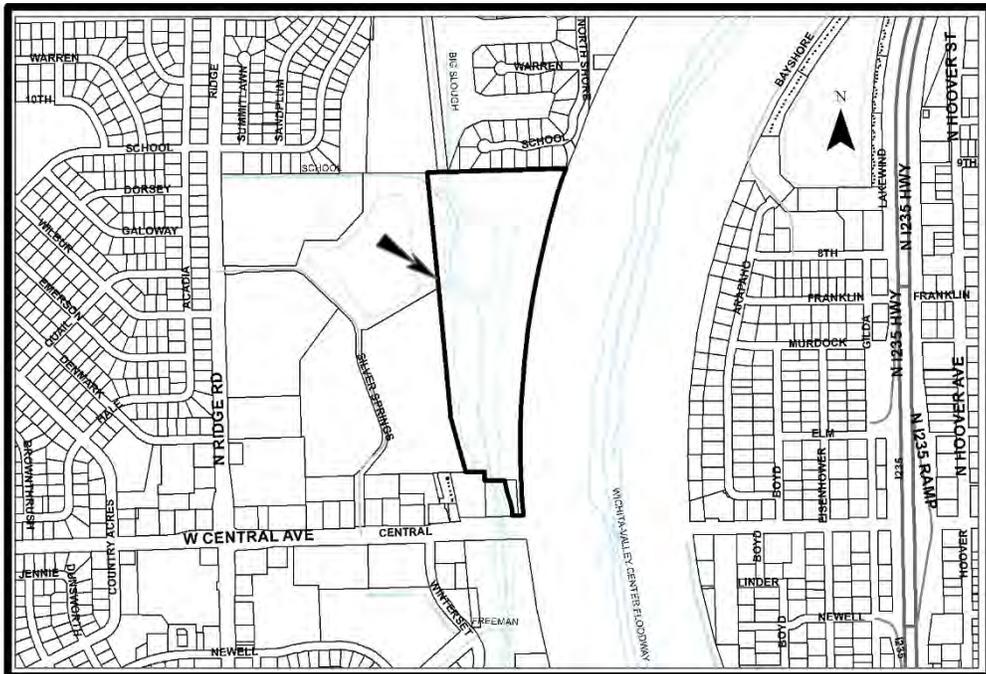
Residential:	1
Office:	
Commercial:	
Industrial:	
Total:	1

**MINIMUM LOT AREA:** 14.21 acres

**CURRENT ZONING:** Single-Family Residential (SF-5)

**PROPOSED ZONING:** Multi-Family Residential (MF-29)

**VICINITY MAP**



**SUB2015-00011 – Plat of SILVER SPRINGS 2<sup>ND</sup> ADDITION**  
**October 1, 2015 - Page 2**

**NOTE:** This is an unplatted site located within the City. The site (with the exception of the north 110 feet) has been approved for a zone change (ZON2008-00033) from Single-Family Residential (SF-5) to Multi-Family Residential (MF-29).

**STAFF COMMENTS:**

- A. City of Wichita Public Works and Utilities Department requests the applicant extend water (distribution) and extend sewer (laterals) to serve the lots. In-lieu-of-assessment fees are due for sewer mains and water transmission.
- B. The platlor's text references utility easements and drainage easements which are not shown on the face of the plat.
- C. The platlor's text shall reference "a Lot, a Block and Reserves".
- D. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- E. City Stormwater Management has approved the drainage plan.
- F. The plat denotes an existing off-site ingress/egress easement along Central within the adjoining flood control right-of-way. An access easement by separate instrument has also been denoted along the adjoining flood control right-of-way. A copy of the easements shall be provided. The final plat tracing shall denote complete access control along the flood control right-of-way line except for one opening per the ingress/egress easement.
- G. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a restrictive covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- H. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- I. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within ten feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineer's office.
- J. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.

**SUB2015-00011 – Plat of SILVER SPRINGS 2<sup>ND</sup> ADDITION**  
**October 1, 2015 - Page 3**

- K. The 2013 Wichita Bicycle Master Plan recommends a shared use path along the west, east, and north property lines of this property. The plat's text states that Reserve B – along the west line of the plat - will be dedicated to the City upon the need for construction of a bike path.
- L. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- M. Approval of this plat will require a waiver of the lot depth-to-width ratio of the Subdivision Regulations. The Subdivision Regulations state that the maximum depth of all residential lots shall not exceed 2.5 times the width. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- N. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- O. County Surveying advises that a minimum pad should also be shown on the face of the plat.
- P. County Surveying advises that a site benchmark is needed.
- Q. County Surveying advises that a dimension needs added on the north line of Reserve A.
- R. County Surveying advises that dimension needs added on the north line of Reserve B.
- S. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to [tricia.robello@sedgwick.gov](mailto:tricia.robello@sedgwick.gov) and [nstrahl@wichita.gov](mailto:nstrahl@wichita.gov).
- T. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer and unobstructed to allow for the conveyance of stormwater.
- U. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- V. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- W. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.

**SUB2015-00011 – Plat of SILVER SPRINGS 2<sup>ND</sup> ADDITION**  
**October 1, 2015 - Page 4**

- X. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
  
- Y. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
  
- Z. Perimeter closure computations shall be submitted with the final plat tracing.
  
- AA. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense.
  
- BB. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: [kwilson@wichita.gov](mailto:kwilson@wichita.gov)).



The applicant is requesting the vacation of the street function from the contingent dedication by separate instrument of 15-foot wide street, drainage and utility easements running parallel to both sides of the platted and contingent dedication (by separate instrument) of 32-foot wide street right-of-way. The subject easement and the right-of-way run from their intersection with 47<sup>th</sup> Street South, thru the length of the GC General Commercial zoned Southfork Commercial Addition. The Subdivision Regulations requires 58 feet of street right-of-way width for business, office, commercial and industrial areas without parking lanes. The Subdivision Regulations for narrow residential streets requires 32 feet of street right-of-way with 15-foot wide street, drainage and utility easements running parallel to both sides of the street right-of-way; Subdivision Regulations Art 7-201.G. In the past, Public Works/Traffic Engineer has applied the narrow street standards to commercial development. Per the Subdivision Regulations, Art 10-104, Modification of Design Criteria, the MAPC may modify design criteria. The subject contingent dedication of street easement and street right-of-way is designed to join the abutting 33-foot wide Custy Street right-of-way recorded on the Orchard Parks Lake Estates Addition; recorded September 28, 1983. Custy Street dead-ends at the Riverside drainage easement; there are no plans to extend Custy Street over the Riverside drainage easement.

Per the information currently available on the City's GIS program, there are public utilities are located in the contingent dedication of a drainage, utility and street easement. These utilities will continue to be covered by the 15-foot wide street, drainage and utility easements. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the described easements. The Southfork Commercial Addition was recorded with the Register of Deeds October 3, 2014.

NOTE: VAC2015-00035 was deferred from the advertised September 10, 2015, Subdivision Committee meeting at the applicant's request.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the contingent dedication (by separate instrument) of street from the described 15-foot wide street, drainage and utility easements.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time September 10, 2015, which was at least 20 days prior to this public hearing.
  2. That no private rights will be injured or endangered by vacating the described contingent dedication (by separate instrument) of street from the described 15-foot wide street, drainage and utility easements and that the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Approval of the vacation of the contingent dedication (by separate instrument) of street from the 15-foot wide street, drainage and utility easements running parallel to both sides of the platted and contingent dedication (by separate instrument) of 32-foot wide street right-of-way running from its intersection with 47<sup>th</sup> Street South, thru the length of the GC General Commercial zoned Southfork Commercial Addition, must be given by the Traffic Engineer.
- (2) If approved, provide a legal description of the vacated contingent dedication (by separate instrument) of street from subject the 15-foot wide street, drainage and utility easements, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds.
- (3) All improvements shall be according to City Standards and at the applicant's expense. If needed, provide required guarantees or approved projects to ensure relocation and/or relocation of utilities, including, but not limited to, sewer lines and manholes, stormwater equipment, all and franchise utilities. All provided prior to the vacation case going to City Council for final action.
- (4) Any relocation or reconstruction of utilities, made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

#### **SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

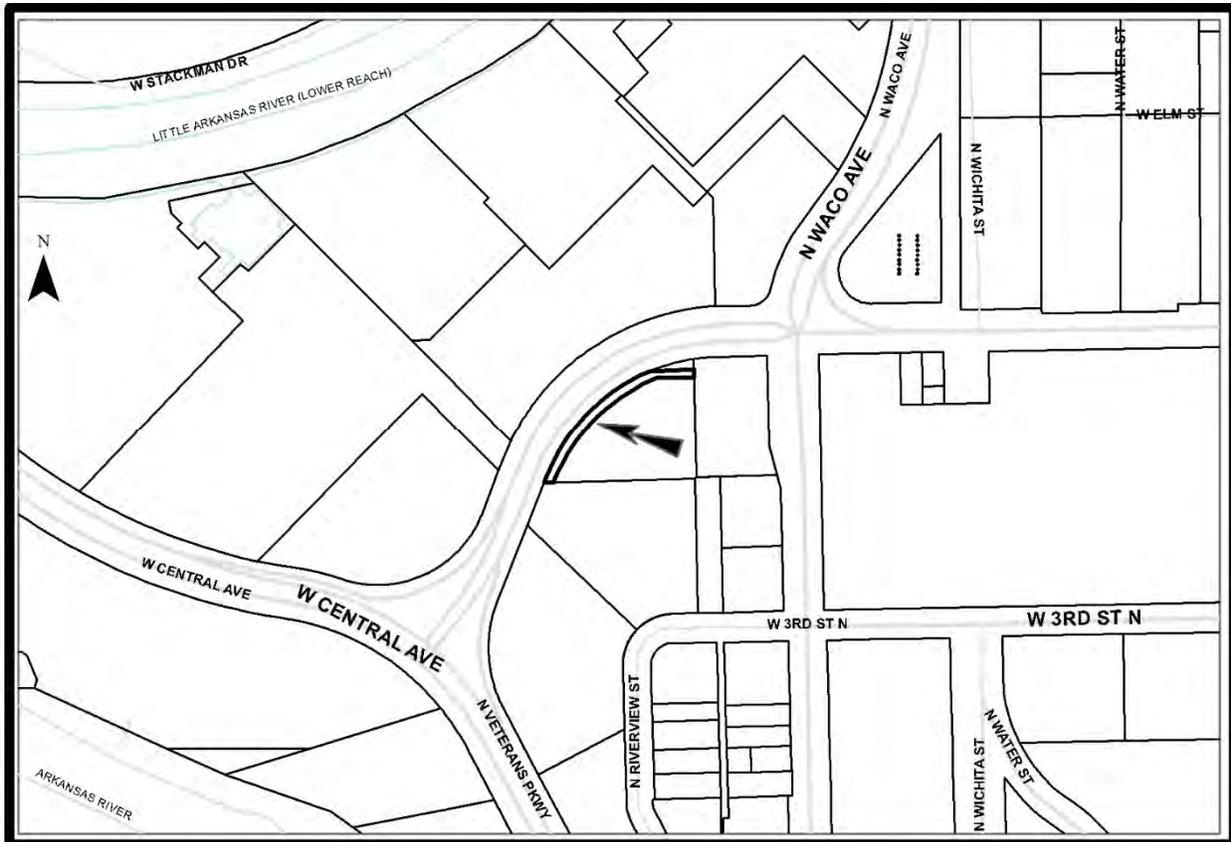
The Subdivision Committee recommends approval subject to the following conditions:

- (1) Approval of the vacation of the contingent dedication (by separate instrument) of street from the 15-foot wide street, drainage and utility easements running parallel to both sides of the platted and contingent dedication (by separate instrument) of 32-foot wide street right-of-way running from its intersection with 47<sup>th</sup> Street South, thru the length of the GC General Commercial zoned Southfork Commercial Addition, must be given by the Traffic Engineer.
- (2) If approved, provide a legal description of the vacated contingent dedication (by separate instrument) of street from subject the 15-foot wide street, drainage and utility easements, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds.

- (3) All improvements shall be according to City Standards and at the applicant's expense. If needed, provide required guarantees or approved projects to ensure relocation and/or relocation of utilities, including, but not limited to, sewer lines and manholes, stormwater equipment, all and franchise utilities. All provided prior to the vacation case going to City Council for final action.
- (4) Any relocation or reconstruction of utilities, made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

**STAFF REPORT**

- CASE NUMBER:** VAC2015-00036 - Request to vacate a front building setback established by a vacation order
- OWNER/AGENT:** City of Wichita, Property Management, c/o John Philbrick (owners) Kaw Valley Engineering, c/o Tim Austin (agent)
- LEGAL DESCRIPTION:** Generally described as vacating the 20-foot front building setback, established by Vacation Order VAC2015-00008, that runs parallel to the north property line of a portion of Lot 2, Emerson Addition, Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located west of Waco Avenue on the south side of Central Avenue (WCC #VI)
- REASON FOR REQUEST:** Future development
- CURRENT ZONING:** Subject property, abutting south and east properties are zoned CBD Central Business District. Adjacent north and west properties are zoned B Multi-Family Residential.
- VICINITY MAP:**



The applicants are requesting consideration to vacate the 20-foot front building setback, established by Vacation Order VAC2015-00008 (approved by City Council July 7, 2015), which runs parallel to the north property line of a portion of Parcel B, Lot 2, Emerson Addition. The site is zoned CBD Central Business District. The CBD zoning district has a zero front building setback, which is what the applicant is requesting. Westar does not appear to have any facilities in the vacation area. However Westar does have street lights in the right-of-way that butts up to setback and wants to make sure adequate clearance is provided. Condition #2 covers Westar. Shane Price is the Westar Construction Services Supervisor for the area can contacted at 261-6315. The Emerson Addition was recorded with the Register of Deeds May 12, 1980. Commercial Lot Split SUB2004-2004 created Parcels A, Lot 2 and Parcel B Lot 2 (the subject site), Emerson Addition.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Storm Water, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the describe front building setback established by a vacation order.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time September 10, 2015, which was at least 20 days prior to this public hearing.
  2. That no private rights will be injured or endangered by vacating the described front building setback established by a vacation order and that the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacate the 20-foot front building setback, established by Vacation Order VAC2015-00008, which runs parallel to the north property line of a portion of Parcel B, Lot 2, Emerson Addition. The front setback will be zero, as allowed by the subject site's CBD Central Business District zoning. Provide Planning with a legal description of the vacated portion of complete access control on a Word document via e-mail to be used on the Vacation Order. This must be provided prior to the case going to City Council for final action.
- (2) Any relocation or reconstruction of utilities, including Westar, made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide franchised utilities, including Westar, with any needed plans for review for relocation of utilities. Provide a guarantee or approved plans for the relocation of any utilities. This must be provided to Planning prior to this case going to City Council for final action.
- (3) Provide a legal description of the vacated 20-foot front building setback, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds. The legal description will be used on the Vacation Order.

- (4) All improvements shall be according to City Standards and at the applicant's expense.
- (5) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

### **SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the 20-foot front building setback, established by Vacation Order VAC2015-00008, which runs parallel to the north property line of a portion of Parcel B, Lot 2, Emerson Addition. The front setback will be zero, as allowed by the subject site's CBD Central Business District zoning. Provide Planning with a legal description of the vacated portion of complete access control on a Word document via e-mail to be used on the Vacation Order. This must be provided prior to the case going to City Council for final action.
- (2) Any relocation or reconstruction of utilities, including Westar, made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide franchised utilities, including Westar, with any needed plans for review for relocation of utilities. Provide a guarantee or approved plans for the relocation of any utilities. This must be provided to Planning prior to this case going to City Council for final action.
- (3) Provide a legal description of the vacated 20-foot front building setback, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds. The legal description will be used on the Vacation Order.
- (4) All improvements shall be according to City Standards and at the applicant's expense.
- (5) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

**STAFF REPORT**

**CASE NUMBER:** VAC2015-00037 - Request to vacate a platted access easement and a platted utility easement

**OWNER/APPLICANT:** Newmarket Office, LLC, c/o David Hambrick (owner) Oxford Senior Living c/o George Sherman

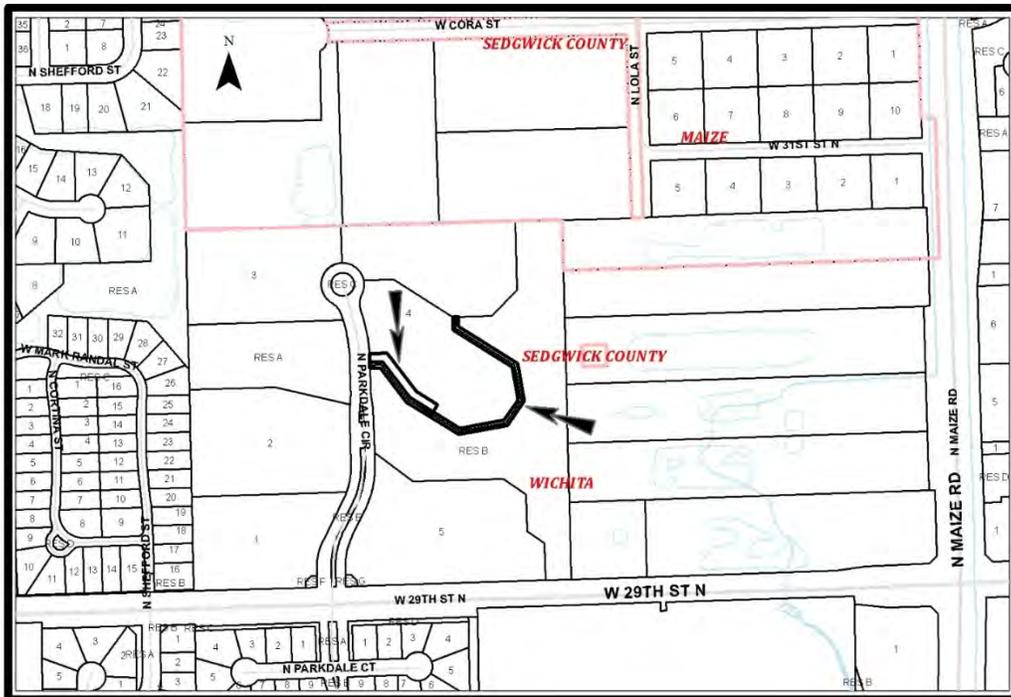
**LEGAL DESCRIPTION:** Generally described as vacating the platted 30-foot access easement located along the west side of Lot 4, Block 1 & the platted 20-foot utility easement located along the common line of Lot 4, Block 1, and Reserve B, all in the New Market Office 2<sup>nd</sup> Addition, Wichita, Sedgwick County, Kansas

**LOCATION:** Generally located west of Maize Road on the north side of 29th Street North, on the east side of North Parkdale Circle (WCC #V)

**REASON FOR REQUEST:** Access is provided elsewhere on the subject site and carports are proposed to be built over subject platted easement

**CURRENT ZONING:** The site and the abutting north, west and south properties are zoned GO General Office. Abutting west properties are zoned SF-5 Single-Family Residential.

**VICINITY MAP:**



The applicant is requesting the vacation of the platted 30-foot access easement located along the west side of Lot 4, Block 1 & the platted 20-foot utility easement located along the common line of Lot 4, Block 1, and Reserve B, all in the New Market Office 2<sup>nd</sup> Addition. Vacation of the subject access easement needs approval by the Traffic Engineer and the Fire Department. There are no public utilities located in the subject access easement, nor in the subject utility easement. Westar does not appear to have any facilities in the vacation area. Condition 4 and 5 covers Westar. Richard Aitken is the Construction Services Representative for this area and can be contacted at 261-6734. The New Market Office 2<sup>nd</sup> Addition was recorded May 19, 2011.

NOTE: VAC2015-00024 vacated the plattor's text to amend the uses allowed in platted Reserves A and B, New Market Office 2<sup>nd</sup> Addition.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described platted access easement and the platted utility easement.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time September 10, 2015, which was at least 20 days prior to this public hearing.
  2. That no private rights will be injured or endangered by vacating the described access easement and the platted utility easement and that the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacate the platted 30-foot access easement located along the west side of Lot 4, Block 1 & the platted 20-foot utility easement located along the common line of Lot 4, Block 1, and Reserve B, all in the New Market Office 2<sup>nd</sup> Addition as approved by City Public Works, Water & Sewer, Stormwater, Traffic, Fire, and franchised utilities.
- (2) As needed provide easements for public utilities, including fire hydrants, a water line and water valves. These must be provided to Planning prior to the case going to the City Council for final action and subsequent recording with the Register of Deeds.
- (3) As needed provide letters from franchised utility representatives stating that their utilities are protected by the appropriate easements. These must be provided to Planning prior to the case going to the City Council for final action.

- (4) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to the City Council for final action.
- (5) Provide a legal description of the vacated 30-foot access easement and the platted 20-foot utility easement, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds. The legal description will be used on the Vacation Order.
- (6) All improvements shall be according to City Standards and at the applicants' expense.
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

#### **SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

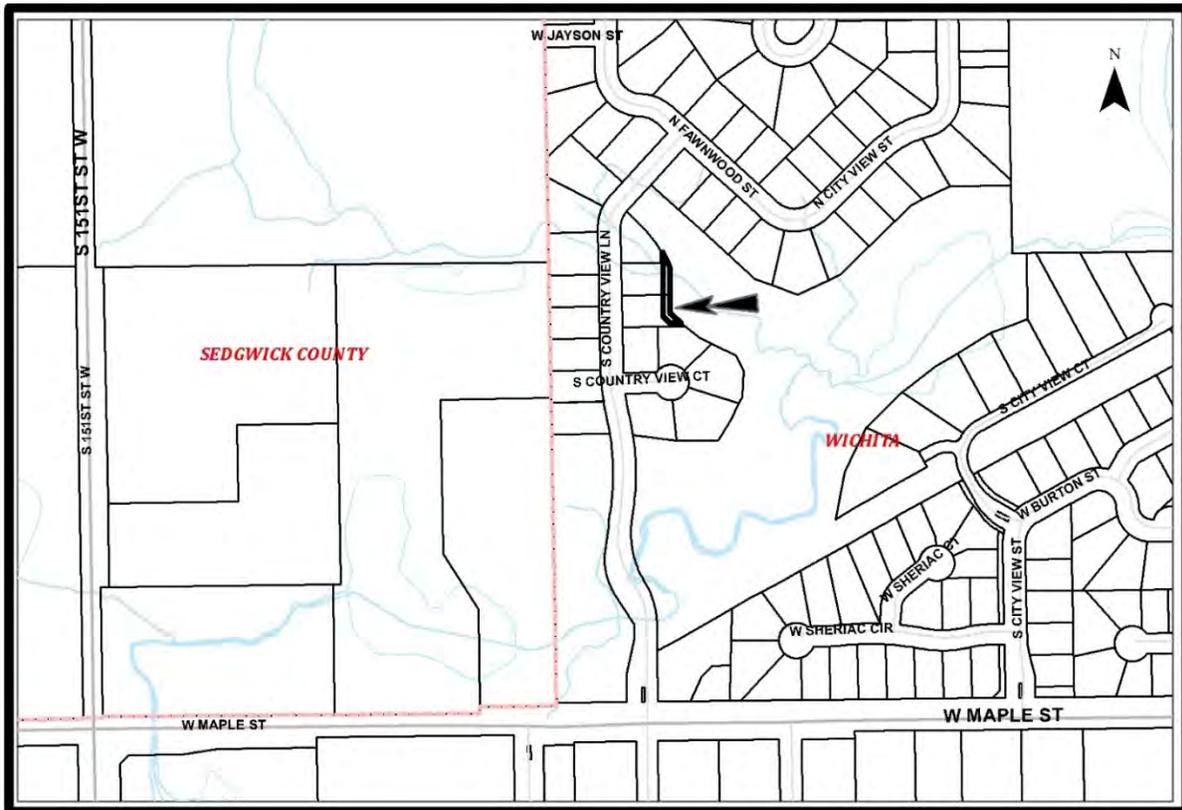
The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the platted 30-foot access easement located along the west side of Lot 4, Block 1 & the platted 20-foot utility easement located along the common line of Lot 4, Block 1, and Reserve B, all in the New Market Office 2<sup>nd</sup> Addition as approved by City Public Works, Water & Sewer, Stormwater, Traffic, Fire, and franchised utilities.
- (2) As needed provide easements for public utilities, including fire hydrants, a water line and water valves. These must be provided to Planning prior to the case going to the City Council for final action and subsequent recording with the Register of Deeds.
- (3) As needed provide letters from franchised utility representatives stating that their utilities are protected by the appropriate easements. These must be provided to Planning prior to the case going to the City Council for final action.
- (4) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to the City Council for final action.
- (5) Provide a legal description of the vacated 30-foot access easement and the platted 20-foot utility easement, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds. The legal description will be used on the Vacation Order.
- (6) All improvements shall be according to City Standards and at the applicants' expense.

- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

**STAFF REPORT**

- CASE NUMBER:** VAC2015-00039 - Request to vacate a platted drainage & utility easement
- OWNER/APPLICANT:** Christopher J. Dugan & Maple Group LLC (owners) Baughman Company, c/o Russ Ewy (agent)
- LEGAL DESCRIPTION:** Generally described as vacating the platted 20-foot drainage and utility easement located along the east sides/rear yard of Lots 19, 20 & 21, Block B, the Woods Addition, Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located northeast of 151st Street West and Maple Street, north of Country View Court, on the east side of Country View Lane (WCC #V)
- REASON FOR REQUEST:** Future development
- CURRENT ZONING:** The site and all abutting properties are zoned SF-5 Single-Family Residential.
- VICINITY MAP:**



The applicant is requesting the vacation of the platted 20-foot drainage and utility easement located along the east sides/rear yard of Lots 19, 20 & 21, Block B, the Woods Addition. There are no hydrants, water or sewer equipment located in the subject drainage and utility easement. The subject easement abuts platted Reserve C, the Woods Addition. A function of Reserve C is drainage; Stormwater needs to comment on the request. Westar appears to have no facilities in the vacation area. Condition 3 and 4 covers Westar. Richard Aitken, is the Construction Services Representative for the area and can be contacted at 261-6734. The Woods Addition was recorded March 15, 2006.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described platted drainage and utility easement.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time September 10, 2015, which was at least 20 days prior to this public hearing.
  2. That no private rights will be injured or endangered by vacating the described platted drainage and utility easement and that the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacate the platted 20-foot drainage and utility easement located along the east sides/rear yard of Lots 19, 20 & 21, Block B, the Woods Addition as approved by City Public Works, Water & Sewer, Stormwater, Traffic, Fire, and franchised utilities.
- (2) As needed provide easements for public utilities, including stormwater. These must be provided to Planning prior to the case going to the City Council for final action and subsequent recording with the Register of Deeds.
- (3) As needed provide letters from franchised utility representatives stating that their utilities are protected by the appropriate easements. These must be provided to Planning prior to the case going to the City Council for final action.
- (4) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to the City Council for final action.

- (5) Provide a legal description of the vacated platted 20-foot drainage and utility easement, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds. The legal description will be used on the Vacation Order.
- (6) All improvements shall be according to City Standards and at the applicants' expense.
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

### **SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the platted 20-foot drainage and utility easement located along the east sides/rear yard of Lots 19, 20 & 21, Block B, the Woods Addition as approved by City Public Works, Water & Sewer, Stormwater, Traffic, Fire, and franchised utilities.
- (2) As needed provide easements for public utilities, including stormwater. These must be provided to Planning prior to the case going to the City Council for final action and subsequent recording with the Register of Deeds.
- (3) As needed provide letters from franchised utility representatives stating that their utilities are protected by the appropriate easements. These must be provided to Planning prior to the case going to the City Council for final action.
- (4) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to the City Council for final action.
- (5) Provide a legal description of the vacated platted 20-foot drainage and utility easement, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds. The legal description will be used on the Vacation Order.
- (6) All improvements shall be according to City Standards and at the applicants' expense.

- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

**STAFF REPORT**

**CASE NUMBER:** VAC2015-00040 - Request to vacate a platted drainage & utility easement

**OWNER/APPLICANT:** Apex Realty, LLC (owners) MKEC, c/o Brian Lindebak

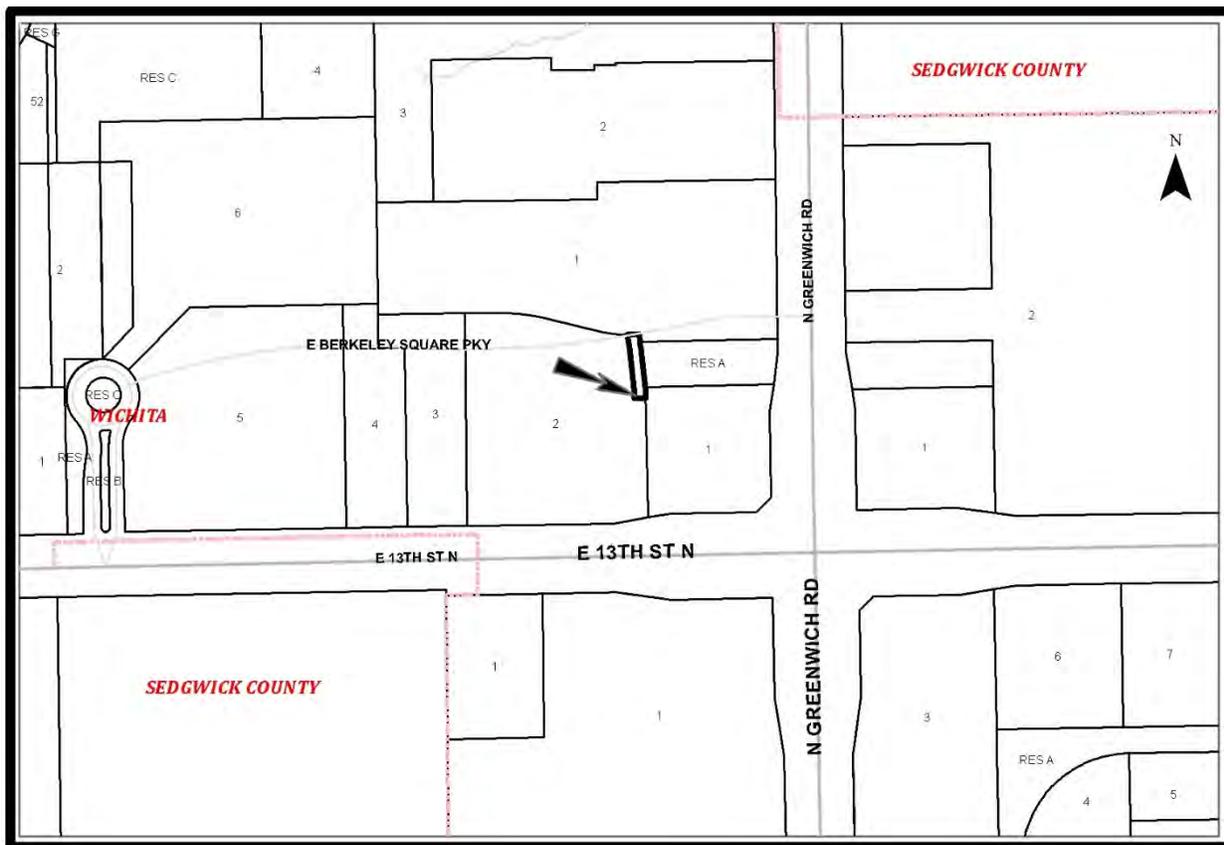
**LEGAL DESCRIPTION:** Generally described as vacating the platted 20-foot drainage and utility easement located on the east side of Lot 2, Block 1, and abutting the west side of Reserve A, all in the Berkley Square Third Addition, Wichita, Sedgwick County, Kansas

**LOCATION:** Generally located on the north side of 13th Street North and west of Greenwich Road (WCC #II)

**REASON FOR REQUEST:** Future development

**CURRENT ZONING:** The site and abutting and adjacent east, west and north properties are zoned LI Limited Industrial. The abutting south property is zoned LC Limited Commercial.

**VICINITY MAP:**



The applicant is requesting the vacation of the platted 20-foot drainage and utility easement located on the east side of Lot 2, Block 1, and abutting the west side of Reserve A, all in the Berkley Square Third Addition. There is stormwater equipment located in the subject drainage and utility easement. The subject easement abuts platted Reserve A, the Woods Addition. Drainage is not listed as a function of Reserve A in the plat's text. Westar may have a service stub located in that area that was set in place to provide power to future development to the west. There is power just out of that easement to the east. Conditions 2, 3 and 4 covers Westar. Becky Thompson is the Construction Services Representative for this area and can be contacted at 261-632. The Berkley Square Third Addition was recorded November 19, 2014.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described platted drainage and utility easement.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time September 10, 2015, which was at least 20 days prior to this public hearing.
  2. That no private rights will be injured or endangered by vacating the described platted drainage and utility easement and that the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacate the platted 20-foot drainage and utility easement located on the east side of Lot 2, Block 1, and abutting the west side of Reserve A, all in the Berkley Square Third Addition by City Public Works, Water & Sewer, Stormwater, Traffic, Fire, and franchised utilities.
- (2) As needed provide easements for public utilities, including stormwater. These must be provided to Planning prior to the case going to the City Council for final action and subsequent recording with the Register of Deeds.
- (3) As needed provide letters from franchised utility representatives stating that their utilities are protected by the appropriate easements. These must be provided to Planning prior to the case going to the City Council for final action.
- (4) Provide utilities with any needed project plans for the relocation of utilities, including stormwater, for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to the City Council for final action.

- (5) Provide a legal description of the vacated platted 20-foot drainage and utility easement, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds. The legal description will be used on the Vacation Order.
- (6) All improvements shall be according to City Standards and at the applicants' expense.
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

### **SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the platted 20-foot drainage and utility easement located on the east side of Lot 2, Block 1, and abutting the west side of Reserve A, all in the Berkley Square Third Addition by City Public Works, Water & Sewer, Stormwater, Traffic, Fire, and franchised utilities.
- (2) As needed provide easements for public utilities, including stormwater. These must be provided to Planning prior to the case going to the City Council for final action and subsequent recording with the Register of Deeds.
- (3) As needed provide letters from franchised utility representatives stating that there utilities are protected by the appropriate easements. These must be provided to Planning prior to the case going to the City Council for final action.
- (4) Provide utilities with any needed project plans for the relocation of utilities, including stormwater, for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to the City Council for final action.
- (5) Provide a legal description of the vacated platted 20-foot drainage and utility easement, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds. The legal description will be used on the Vacation Order.
- (6) All improvements shall be according to City Standards and at the applicants' expense.

- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

**STAFF REPORT**  
 MAPC 10-1-2015  
 DAB IV 10-5-2015

CASE NUMBER: ZON2015-00035

APPLICANT/AGENT: Arch Partner's LLC (Paul Gray) / Paul Gray

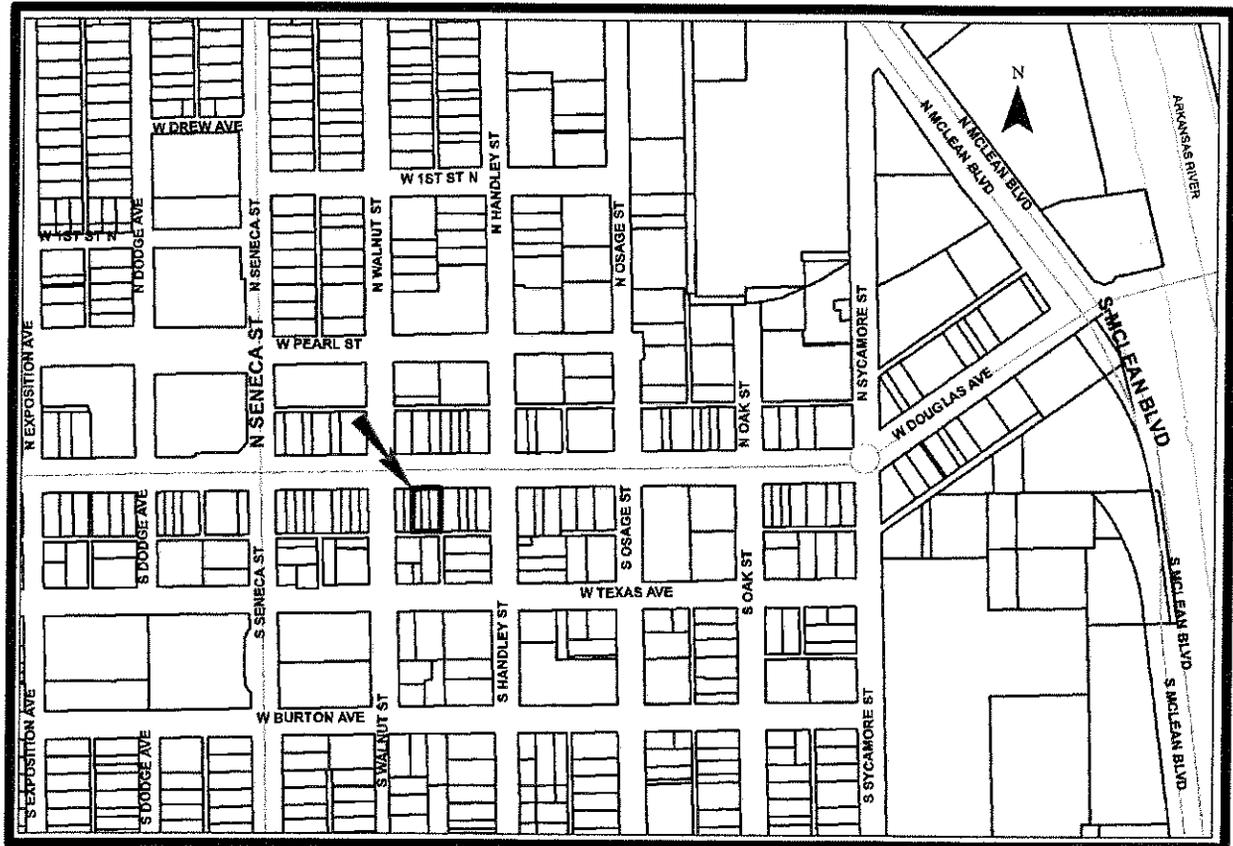
REQUEST: CBD Central Business District

CURRENT ZONING: LC Limited Commercial

SITE SIZE: .61 acres

LOCATION: Seventy-five feet east of the southeast corner of West Douglas Avenue and South Walnut Street (915, 917 and 923 West Douglas Avenue)

PROPOSED USE: Commercial uses



**BACKGROUND:** The applicant is seeking Central Business District (CBD) zoning for .61 platted acre located 75 feet east of the southeast corner of West Douglas Avenue and South Walnut Street. The subject site is currently zoned Limited Commercial (LC), and is developed with a row of commercial buildings that are built up to the property line and have zero side setbacks. The application area is currently occupied by restaurants. The site is located in and subject to the Delano Overlay Neighborhood District (D-O) that establishes land use and site development policies specific to the district.

The Delano District was initially developed in the 1870's and then redeveloped in the early 1900's when there were no requirements for off-street parking. Therefore, many of the uses in the Delano District do not have, or have only minimal, off-street parking and rely upon public parking located in the street right-of-way. Central Business District zoning mitigates site development issues for older portions of the core area, such as the requirement to provide off-street parking (off-street parking is not required of CBD zoned property) and reduced setback requirements (the CBD district permits zero setbacks; setbacks in the LC district vary from zero to 20 feet).

A Metropolitan Area Planning Department (MAPD) parking study of West Douglas Avenue between Sycamore Street and Seneca Street reveals that most of the businesses fronting Douglas Avenue do not provide the current code required number of off-street parking spaces. The MAPD analysis estimates that 5,373 off-street spaces are required, but an estimated 3,989 spaces have been provided.

Land located north of the site, across West Douglas Avenue, is zoned LC, CBD and General Commercial (GC), and is developed with row commercial buildings. East of the site the property is zoned LC and GC, and is developed with parking lot owned by the applicant. South of the site the property is zoned GC, and developed with parking and commercial buildings. West of the subject property is land zoned Limited Industrial (LI) and LC, and developed with row commercial buildings. There have been at least two previous requests for CBD zoning in Delano that have been approved (ZON2015-00038 and ZON2014-00030). Since 1871, the Delano District is a commercial district that has been serving "west" Wichita with a variety of commercial, personal service and entertainment uses.

**CASE HISTORY:** The property is platted as the West Wichita Addition. The property was included in the Delano Neighborhood Revitalization Plan and Delano Overlay Neighborhood District (D-O) in 2001.

**ADJACENT ZONING AND LAND USE:**

North: LC, CBD and GC; retail and commercial uses  
South: GC; parking and retail and commercial uses  
East: LC, GC; parking and retail and commercial uses  
West: LI and LC; retail and commercial uses

**PUBLIC SERVICES:** The site is served by all normally supplied municipal services. The site has access to the arterial street, West Douglas Avenue, which has 100 feet of right-of-way. In 2007, Douglas Avenue east of Seneca carried approximately 10,000 vehicle trips on a daily basis.

**CONFORMANCE TO PLANS/POLICIES:** The Delano Neighborhood Plan map depicts the site as appropriate for "commercial mixed use."

The purpose of the CBD zoning district is to accommodate retail, commercial, office and other complementary land uses within the downtown core area of Wichita. Central Business District zoning is generally compatible with the "Downtown Regional Center" designation of the "Wichita-Sedgwick County Comprehensive Plan." It is intended for application only within the City of Wichita and only

within the downtown core area and certain nearby areas being redeveloped with similar patterns of uses and site development standards such as but not limited to zero lot setbacks, shared parking, public streetscapes as landscaping and urban design elements and mixed uses within a building. The requested CBD zoning is the appropriate zoning for the subject site, which is located west, across the Arkansas River from the original CBD zoned core of downtown Wichita. The application area shares some similar patterns of development and uses as the original core CBD area.

The Delano Neighborhood Plan indicates the site is appropriate for commercial mixed uses. The intent of the commercial mixed use designation is to encourage true mixed-use facilities wherein there are commercial and/or office uses on the ground floor and residential above.

**RECOMMENDATION:** Based upon the information available at the time the staff report was prepared it is recommended that the request for CBD be approved.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The properties surrounding the subject site are zoned LC, GC, CBD and LI subject to the D-O district that permits a very wide range of land uses: residential, office, personal service, entertainment and commercial.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LC which permits a wide range of residential, office and retail uses, but requires the provision of off-street parking, which the applicants own. The site has economic value as currently zoned. Approval of CBD zoning would eliminate the requirement for off-street parking modify building setback and height requirements and potentially add a few additional uses not permitted in the LC district.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should not detrimentally impact nearby property owners in that the site is currently developed and has its own parking. The D-O district restrictions should minimize known impacts created by the proposed zone change.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval would make the property more marketable, which should make a wider range of use possible thereby improving choice in the marketplace. Denial would presumably represent a loss of economic opportunity to the applicant or property owner.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Delano Neighborhood Plan map depicts the site as appropriate for “commercial mixed use.” The purpose of the CBD zoning district is to accommodate retail, commercial, office and other complementary land uses within the downtown core area of Wichita. Central Business District zoning is generally compatible with the “Downtown Regional Center” designation of the “Wichita-Sedgwick County Comprehensive Plan.” It is intended for application only within the City of Wichita and only within the downtown core area and certain nearby areas being redeveloped with similar patterns of uses and site development standards such as but not limited to zero lot setbacks, shared parking, public streetscapes as landscaping and urban design elements and mixed uses within a building. The requested CBD zoning is the appropriate zoning for the subject site, which is located west, across the Arkansas River from the original CBD zoned core of downtown Wichita. The application area shares some similar patterns of development and

uses as the original core CBD area.

The Delano Neighborhood Plan indicates the site is appropriate for commercial mixed uses. The intent of the commercial mixed use designation is to encourage true mixed-use facilities wherein there are commercial and/or office uses on the ground floor and residential above.

6. Impact of the proposed development on community facilities: None identified as the site is located in an area of town that has had full public services for a long period of time and is served by an arterial street.



**STAFF REPORT**  
MAPC 10-1-2015  
DAB IV 10-5-2015

**CASE NUMBER:** ZON2015-00036

**APPLICANT/AGENT:** Lena P. Peeblee Rev. Trust / Mennonite Housing (Deatrea Schuimscher)

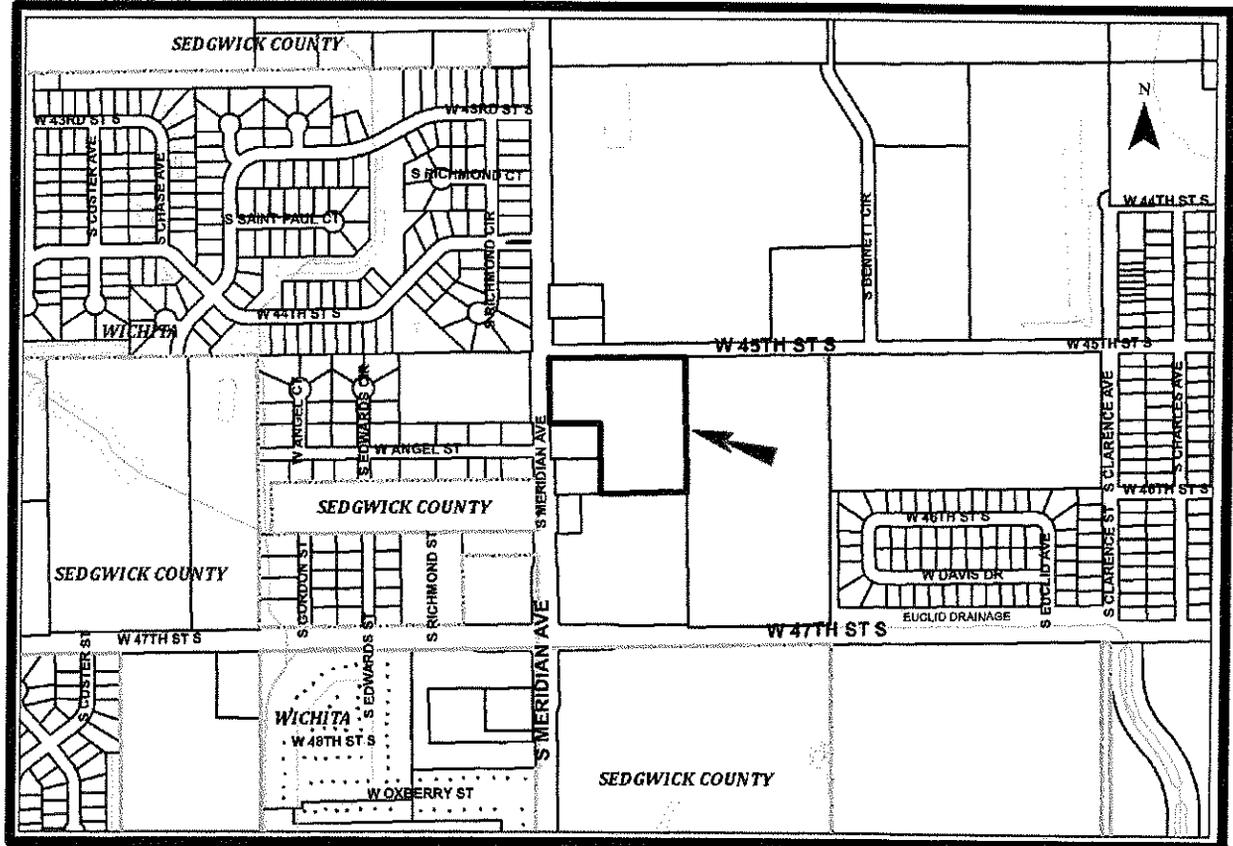
**REQUEST:** B Multi-Family Residential

**CURRENT ZONING:** SF-5 Single-Family Residential

**SITE SIZE:** Approximately seven acres

**LOCATION:** Southeast corner of South Meridian and West 45<sup>th</sup> Street South

**PROPOSED USE:** Multi-family residential



**BACKGROUND:** The applicant is requesting to rezone from the SF-5 Single-Family Residential (SF-5) district to the B Multi-Family Residential (B) approximately seven unplatted acres located at the southeast corner of South Meridian Avenue and West 45<sup>th</sup> Street South. The property is currently undeveloped. The applicant proposes to develop 42 townhome units with a mix of two, three and four-bedrooms.

North of the application area, across West 45<sup>th</sup> Street South, the land is zoned SF-5 and Manufactured Housing (MH) district, and is developed with single-family residences and a manufactured home park or subdivision. East of the manufactured home park/subdivision, north of West 45<sup>th</sup> Street, there is land zoned B, developed with baseball fields, and undeveloped land zoned MF-29 Multi-Family Residential (MF-29). East of the application area is the SF-5 zoned City of Wichita Southview Park. South of the application area is SF-5 zoned farmland and LC Limited Commercial (LC) zoning that contains a single-family residence and farmland. Not included in the application area, located on the east side of South Meridian Avenue, approximately mid-way between West 45<sup>th</sup> Street South and West 47<sup>th</sup> Street South, are two single-family residences zoned SF-5. There also is a vacant platted lot owned by the City of Wichita that has a conditional use to permit a sanitary sewer utility facility. West of South Meridian Avenue are single-family residences zoned SF-5 and SF-20 Single-Family Residential (SF-20).

The B zoning district permits a wide range of uses, such as: single-family, two-family and multi-family (three or more dwelling units in one structure), assisted living, group home, church, community assembly, nursing facility or school. The minimum lot area for multi-family dwelling units is 580 square feet per unit with a maximum density of 75.1 dwelling units per acre. The applicant's proposal equals approximately 7,260 gross square feet per dwelling unit. The B zoning district has a minimum front setback of 20 feet; rear setback of 15 feet; interior side setback of five feet and a minimum street side setback of five feet. A maximum height of 55 is permitted with an additional one foot of additional height for each additional foot of setback.

Trash receptacles, mechanical equipment and outdoor work and storage areas in multi-family uses are required to be screened from ground level view from any residential zoning district and cannot be located within 20 feet of property zoned TF-3 or more restrictive. Compatibility building setbacks of 15 feet up to 25 feet, depending on the size of the use, located along rear and side property lines of multi-family developments abutting TF-3 or more restrictive zoning are required. Building height for multi-family use is limited to 35 feet when it is located within 50 feet of a TF-3 or more restrictive zoned lot. Multi-family uses are required to screen with a six-foot high fence, berm, solid landscaping or some combination of the three along its side and rear property line where it abuts TF-3 or more restrictive zoning. A landscape buffer is required between multi-family zoning districts and one and two-family zoning districts. At a minimum the landscape buffer with a screening fence must have one tree every 40 feet.

**CASE HISTORY:** The site was annexed by the City in the 1960s and the site's SF-5 zoning would have been established at that time.

**ADJACENT ZONING AND LAND USE:**

North: SF-5, MH; single-family residences, manufactured home park/subdivision  
South: SF-5, LC, single-family residence/farmstead  
East: SF-5; Southview Park  
West: SF-5; single-family residences

**PUBLIC SERVICES:** South Meridian Avenue at this location is paved, has a right-of-way width that varies from 80 to 90 feet and has four-through lanes with a center-turn lane. West 45<sup>th</sup> Street South has 60 feet of full right-of-way and is a paved two-lane street. The closest sanitary sewer manhole is located

on the north side of West 45 Street South. Water lines and stormwater improvements are located on both South Meridian Avenue and West 45 Street South.

**CONFORMANCE TO PLANS/POLICIES:** The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “urban residential” uses. The “urban residential” category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large municipality. The range of housing types found include: single-family detached homes, duplexes, townhouses, apartments or multi-family units and special residential accommodations for the elderly. Medium and high density residential uses should be located within walking distance of neighborhood commercial centers, parks schools and public transportation routes. These uses should also be in close proximity to concentrations of employment, major thoroughfares and utility trunk lines. Medium and high-density residential uses should be directly accessible to arterial or collector streets. Medium and high-density residential uses should be sited where they will not overload or create congestion in existing and planned facilities/utilities. Multi-family uses generate approximately 6.6 average daily vehicle trips per dwelling unit or an estimated 277 average daily trips.

**RECOMMENDATION:** Based upon the information available at the time the staff report was prepared it is recommended that the request be approved subject to platting within one year of final approval.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** North of the application area, across West 45<sup>th</sup> Street South, the land is zoned SF-5 and Manufactured Housing (MH) district and is developed with single-family residences and a manufactured home park or subdivision. East of the application area is the SF-5 zoned City of Wichita Southview Park. South of the application area is LC Limited Commercial (LC) zoning used that contains a single-family residence or farmstead. Not included in the application area, located on the east side of South Meridian Avenue, approximately mid-way between West 45<sup>th</sup> Street South and West 47<sup>th</sup> Street South, are two single-family residences zoned SF-5. West of South Meridian Avenue are single-family residences zoned SF-5 and SF-20 Single-Family Residential (SF-20).
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is zoned SF-5 which primarily permits single-family residential and a few civic and institutional uses, such as a school, park or church by right. There are other single-family residences located in the general area, presumably the application area would have economic value as currently zoned. However, due to the presence of LC zoning located south of the site, it would be consistent with typical development patterns for office or multi-family zoning to be used as transition zoning between the LC zoning and SF-5 zoning. The requested zoning would provide such a transition.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Code requirements, such buffering, height, screening and landscape standards, minimize known detrimental impacts. A manufactured home park is located on the north side of West 45<sup>th</sup> Street South, east of South Meridian Avenue.
4. **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval of the zoning request would potentially add to the inventory of multi-family units available in south-central Wichita. Denial would presumably represent a loss of economic opportunity to the property owner and/or the developer.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “urban residential” uses. The “urban residential” category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large municipality. The range of housing types found include: single-family detached homes, duplexes, townhouses, apartments or multi-family units and special residential accommodations for the elderly. Medium and high density residential uses should be located within walking distance of neighborhood commercial centers, parks schools and public transportation routes. These uses should also be in close proximity to concentrations of employment, major thoroughfares and utility trunk lines. Medium and high-density residential uses should be directly accessible to arterial or collector streets. Medium and high-density residential uses should be sited where they will not overload or create congestion in existing and planned facilities/utilities. Multi-family uses generate approximately 6.6 average daily vehicle trips per dwelling unit or an estimated 277 average daily trips.
  
6. Impact of the proposed development on community facilities: At the time of platting any improvements needed to serve the site can be obtained.



# STAFF REPORT

MAPC October 1, 2015

DAB IV October 5, 2015

**CASE NUMBER:** ZON2015-00039

**OWNER/APPLICANT:** Winchester Investments, LLC, c/o Paul Grey (owner/applicant)

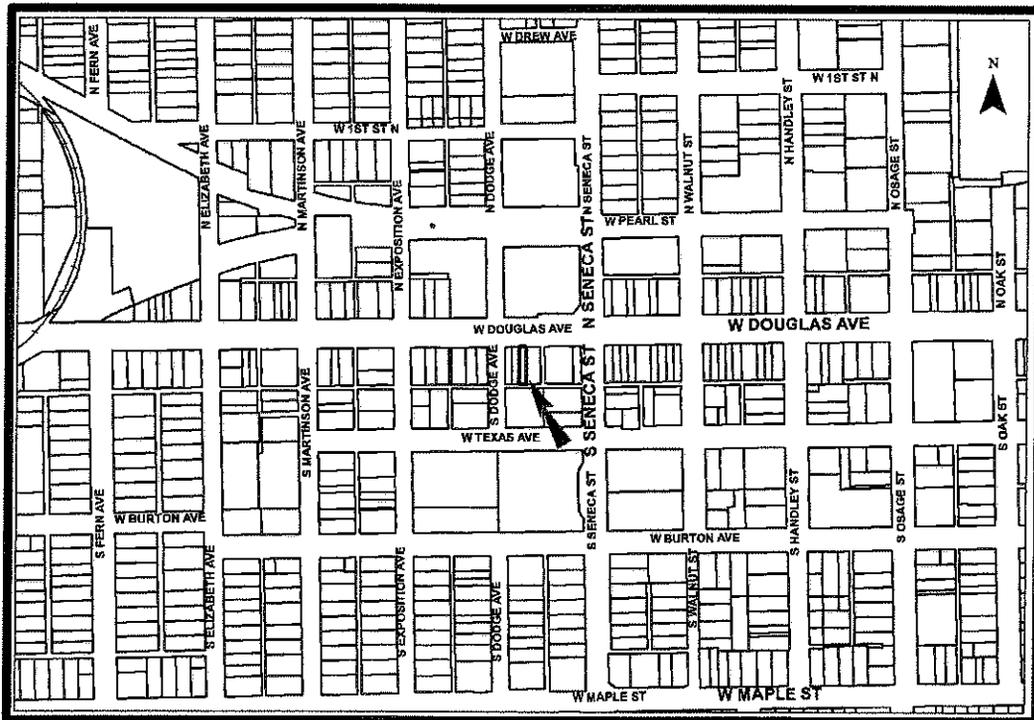
**REQUEST:** CBD Central Business District

**CURRENT ZONING:** LC Limited Commercial

**SITE SIZE:** Approximately 0.7-acres

**LOCATION:** Generally located west of Seneca Street, east of Dodge Avenue on the south side of Douglas Avenue

**PROPOSED USE:** Addressing possible parking issues brought about by a possible change of use



**BACKGROUND:** The applicant is requesting a zone change from LC Limited Commercial to CBD Central Business District on the subject site located west of Seneca Street, east of Dodge Avenue on the south side of Douglas Avenue; Lot 15, Douglas Avenue, Martinson's 3<sup>rd</sup> Addition. The site is located in (and subject to) the D-O Delano Overlay Neighborhood District. If CBD zoning is approved the site will still be subject to the D-O. The site's brick-stucco one-story downtown row store (built 1920) is currently occupied by a dry cleaners pick-up and drop-off store. In anticipation of any change of use triggering the parking requirements, the applicant is applying for CBD zoning. The applicant owns the abutting LC zoned 25-foot (x) 125-foot west property, which functions as a paved drive-thru and unmarked parallel parking (perhaps five vehicles) for the subject site. In the past parking issues were addressed by applications for a variance. The CBD zoning district more effectively resolves such issues as parking (no minimum parking standards) that could be triggered by a change in occupancy. This is the latest application for CBD zoning in the D-O along Douglas Avenue; ZON2013-00038, ZON2014-00030, ZON2015-00023, ZON2015-00034 and ZON2015-00035. In the previous zoning cases a lack of on-site parking was an issue.

The Delano District was initially developed in the 1870's and then redeveloped in the early 1900's when there were no requirements for property owners to provide on-site parking; production of the Ford Model T began in 1908. Therefore, many of the uses in the Delano District do not have on-site parking, but have relied on parking located on public street right-of-way to support their businesses. There is parallel parking on Douglas Avenue in front of the site.

A Metropolitan Area Planning Department (MAPD) parking study of West Douglas Avenue between Sycamore Street and Seneca Street reveals that most of the businesses fronting this described portion of Douglas Avenue do not provide the current code required number of off-street parking spaces. The MAPD analysis estimates that 5,373 off-street spaces are required, but an estimated 3,989 spaces have been provided. Although the site is located one block west of Seneca Street, the development patterns are similar to the study's area.

This section of Douglas Avenue is characterized by the prevalence of brick one to two-story downtown row stores mostly built in the early 1900s. Most of the downtown row stores along this section of Douglas Avenue were built up to the property lines, with no setbacks. It is not uncommon to have apartments located in the second or third story of these buildings, with the commercial uses located on the ground floor. However, the development located west of Seneca Street along Douglas Avenue does begin to introduce more small commercial buildings built after the 1920s and the commercial development begins to be interrupted by detached single-family residences.

As previously noted the LC zoned site is occupied by a dry cleaners pick-up and drop-off store. As previously noted the applicant owns the abutting LC zoned 25-foot (x) 125-foot west property, which functions as a paved drive-thru and unmarked parallel parking (perhaps five vehicles) for the subject site. A LC zoned one-story downtown row store (built 1900) occupied by a recording studio and tax service office is located west of the site's parking and drive-thru lot. A LC zoned one-story commercial building (currently a yoga studio) with an attached two-story residence (built 1940) and a vacant one-story commercial building (built 1960) are located

further west of site, across Dodge Street. A LC zoned one-story downtown row store (built 1922) and (separated by a platted 15-foot alley) a small one-story commercial strip building (built 1982) are abutting and adjacent to the east side of the site. North of the site, across Douglas Avenue is a LC, LI Limited Industrial and GC General Commercial zoned QuikTrip convenience store (built 2008), a LC vacant one-story building (built 1985) with its parking lot and a LI zoned one-story commercial building (built 1999, currently a thrift store). A 15-foot wide alley separates the site from the south adjacent GC zoned one-story funeral home-mortuary (built 1956), its parking lot and a three-story apartment building (built 1925). A B Multi-Family Residential zoned duplex (built 1945) and undeveloped MF-18 Multi-Family Residential property are located southwest of the site, across Dodge Avenue. A block southeast of the site is a SF-5 Single-Family Residential zoned USD-259 school site (built 1921, 1948, 2003 and 2012).

**CASE HISTORY:** The site, Lot 15, Douglas Avenue, Martinson’s 3<sup>rd</sup> Addition, which was recorded with the Register of Deeds on October 17, 1885.

**ADJACENT ZONING AND LAND USE:**

NORTH: LC, GC, LI	Convenience store, thrift store, vacant commercial building
SOUTH: GC, MF-18, B, SF-5	Funeral home- mortuary, apartment, duplex, vacant land, public school
EAST: LC	Commercial building, small commercial strip
WEST: LC	Recording studio, tax service, residence, yoga studio, vacant commercial building

**PUBLIC SERVICES:** The site is served by all normally supplied municipal services. The site has access to the arterial street, Douglas Avenue, which has 100 feet of right-of-way.

**CONFORMANCE TO PLANS/POLICIES:** The purpose of the LC zoning district is to accommodate retail, commercial, office and other complementary land uses. LC zoning is generally compatible with the "local commercial" designation of the “Wichita-Sedgwick County Comprehensive Plan.” It is intended for application primarily within the City of Wichita, although it may be appropriate for application in areas of unincorporated Sedgwick County that have been designated as "Wichita 2030 Urban Growth Area."

The purpose of the CBD zoning district is to accommodate retail, commercial, office and other complementary land uses within the downtown core area of the City of Wichita. The CBD district is generally compatible with the “Downtown Regional Center” designation of the “Wichita-Sedgwick County Comprehensive Plan.” It is intended for application only within the City of Wichita and only within the downtown core area and certain nearby areas being redeveloped with similar patterns of uses and site development standards such as but not limited to zero lot setbacks, shared parking, public streetscapes as landscaping and urban design elements and mixed uses within a building. Douglas Avenue is the main east-west street in downtown Wichita and is located in the middle of the downtown core area. The requested CBD zoning is the appropriate zoning for this Douglas Avenue site, which is located west (across the Arkansas River) of the original CBD zoned core of downtown Wichita. The area the site is located in shares some similar patterns of uses as the original CBD core area.

The site is subject to the D-O Delano Overlay Neighborhood District, which indicates the site is appropriate for commercial mixed uses. The intent of the commercial mixed use designation is to encourage true mixed-use facilities wherein there is commercial and/or offices on the ground floor, and residential above.

**RECOMMENDATION:** Based upon the information available prior to the public hearings, planning staff recommends that the request for CBD zoning be **APPROVED.**

This recommendation is based on the following findings:

(1)The zoning, uses and character of the neighborhood: This section of Douglas Avenue is characterized by the prevalence of brick one to two-story downtown row stores mostly built in the early 1900s. However, the development located west of Seneca Street along Douglas Avenue does begin to introduce more small commercial buildings built after the 1920s and the commercial development begins to be interrupted by detached single-family residences.

The LC zoned site is occupied by a dry cleaners pick-up and drop-off store. The applicant owns the abutting LC zoned 25-foot (x) 125-foot west property, which functions as a paved drive-thru and unmarked parallel parking (perhaps five vehicles) for the subject site. A LC zoned one-story downtown row store (built 1900) occupied by a recording studio and tax service office is located west of the site. A LC zoned one-story commercial building (currently a yoga studio) with an attached two-story residence (both built 1940) and a vacant one-story commercial building (built 1960) are located further west of site, across Dodge Street. A LC zoned one-story downtown row store (built 1922) and (separated by a platted 15-foot alley) a small one-story commercial strip building (built 1982) are abutting and adjacent to the east side of the site. North of the site, across Douglas Avenue is a LC, LI Limited Industrial and GC General Commercial zoned QuikTrip convenience store (built 2008), a LC vacant one-story building (formerly a Braum's ice cream store, built 1985) with its parking lot and a LI zoned one-story commercial building (built 1999, currently a thrift store). A 15-foot wide alley separates the site from the south adjacent GC zoned one-story funeral home-mortuary (built 1956), its parking lot and a three-story apartment building (built 1925). A B Multi-Family Residential zoned duplex (built 1945) and undeveloped MF-18 Multi-Family Residential are located southwest of the site, across Dodge Avenue. A block southeast of the site is a SF-5 Single-Family Residential zoned USD-259 school site (built 1921, 1948, 2003 and 2012).

(2) The suitability of the subject property for the uses to which it has been restricted: The site is zoned LC, subject to the D-O Delano Overlay, which permits a wide range of uses including residential, office and retail sales, subject to the Delano Overlay. Surrounding property is zoned similarly as the subject site. As currently zoned, the site could continue to be used as dry cleaners pick-up and drop-off store.

(3) Extent to which removal of the restrictions will detrimentally affect nearby property: The CBD district permits a broader range of commercial uses; however, the D-O district prohibits a significant range of uses regardless of a site's base zoning. The D-O district also requires a substantial number of uses to obtain "conditional use" approval even though the use may be a permitted use by the base zoning district: car wash, manufacturing, warehousing or wholesale or business services. Because of the overlay zoning district, approval of the request should not negatively impact nearby uses. However, the requested CBD zoning could allow a change of uses (subject to the D-O) without triggering the current parking standards, which could require a variance to resolve as had been done in the past.

(4) Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The purpose of the LC zoning district is to accommodate retail, commercial, office and other complementary land uses. LC zoning is generally compatible with the "local commercial" designation of the "Wichita-Sedgwick County Comprehensive Plan." It is intended for application primarily within the City of Wichita, although it may be appropriate for application in areas of unincorporated Sedgwick County that have been designated as "Wichita 2030 Urban Growth Area."

The purpose of the CBD zoning district is to accommodate retail, commercial, office and other complementary land uses within the downtown core area of the City of Wichita. The CBD district is generally compatible with the "Downtown Regional Center" designation of the "Wichita-Sedgwick County Comprehensive Plan." It is intended for application only within the City of Wichita and only within the downtown core area and certain nearby areas being redeveloped with similar patterns of uses and site development standards such as but not limited to zero lot setbacks, shared parking, public streetscapes as landscaping and urban design elements and mixed uses within a building. Douglas Avenue is the main east-west street in downtown Wichita and is located in the middle of the downtown core of Wichita. The requested CBD zoning is the appropriate zoning for this Douglas Avenue site, which is located west (across the Arkansas River) of the original CBD zoned downtown core of Wichita. The area the site is located in shares some similar patterns of uses as the original CBD core area.

The Delano Neighborhood Plan indicates the site is appropriate for commercial mixed uses. The intent of the commercial mixed use designation is to encourage true mixed-use facilities wherein there is commercial and/or offices on the ground floor, and residential above.

(5) Impact of the proposed development on community facilities: There will be minimal impact on community facilities.